



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

### Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

### About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>





Per 2333 d.  $\frac{16}{45(3).7}$











**I N D E X**  
**TO THE**  
**EXECUTIVE DOCUMENTS**

**OF THE**  
**HOUSE OF REPRESENTATIVES**

**FOR THE**  
**THIRD SESSION OF THE FORTY-FIFTH CONGRESS,**  
**1878-'79.**

**IN 18 VOLUMES.**

---

**VOLUME I.—FOREIGN RELATIONS.**

---

**WASHINGTON:**  
**GOVERNMENT PRINTING OFFICE.**  
**1879.**

./

# INDEX TO HOUSE EXECUTIVE DOCUMENTS.

## CONTENTS OF THE VOLUMES.

VOL. 1..FOREIGN RELATIONS: No. 1, pt. 1.	VOL. 11..No. 1, parts 6 and 7, and Nos. 7 to 31, inclusive.
VOL. 2..WAR: No. 1, pt. 2, v. 1.	VOL. 12..REPORT OF THE SECRETARY OF THE TREASURY: No. 2.
VOL. 3..ENGINEERS: No. 1, pt. 2, v. 2, pt. 1.	VOL. 13..Nos. 3 and 4.
VOL. 4..ENGINEERS: No. 1, pt. 2, v. 2, pt. 2.	VOL. 14..Nos. 5, 6, and 43.
VOL. 5..ENGINEERS: No. 1, pt. 2, v. 2, pt. 3.	VOL. 15..No. 32, parts 1 and 2.
VOL. 6..ORDNANCE: No. 1, pt. 2, v. 3.	VOL. 16..Nos. 33 to 137, inclusive, except Nos. 43 and 33.
VOL. 7..SIGNAL OFFICER: No. 1, pt. 2, v. 4.	VOL. 17..No. 33.
VOL. 8..NAVY AND POSTMASTER: No. 1, parts 3 and 4.	VOL. 18..COMMERCIAL RELATIONS: No. 103.
VOL. 9..INTERIOR: No. 1, part 5, v. 1.	
VOL. 10..EDUCATION: No. 1, pt. 5, v. 2.	

## INDEX TO THE DOCUMENTS.

Subject.	Vol.	No.	Part.
<b>A.</b>			
Accounting officers of the Treasury .....	11	30	
Addie Walton, schooner, wreck of .....	16	55	
Allegheny River, survey of .....	11	21	
Annapolis Harbor .....	16	49	
Apalachicola River and Bay .....	16	32	
Appropriation for the completion of monitors .....	16	63	
Arid lands in United States, Powell's report (2d session) .....	16	73	
Arkansas Hot Springs Reservation .....	11	18	
Arkansas River .....	16	94	
Army, deficiency in the pay of .....	16	80	
Army, strength of, from the beginning of the government to 1879 .....	11	23	
Arrears of pensions .....	16	75	
Attorney-General, annual report of .....	11	7	
<b>B.</b>			
Banks, public money on deposit in .....	11	12	
Baumer, Julius .....	11	14	
Board appointed to test iron, steel, and other metals, report of .....	16	96	
Bureau of Statistics, annual statement of .....	15	32	2
Burlington, Iowa, improvement of harbor .....			
<b>C.</b>			
California, certain harbors in .....	11	22	
Canal, Illinois and Michigan .....	16	81	
Canal, Delaware and Chesapeake ship .....	16	91	
Canal of Muscle Shoals, lands on .....	16	52	
Caney Fork River, Tennessee, survey of .....	16	106	
Carlos Butterfield & Co .....	16	33	
Chesapeake and Delaware ship-canal .....	16	91	
Chickasawha River .....	16	95	



Subject.	Vol.	No.	Part.
Chief of Bureau of Statistics, annual report of .....	15	32	2-
Chinese immigration, veto message .....	16	102	
Chippewa River, sources of .....	16	54	
Choctaw claim, message of the President in relation to .....	16	34	
Chowan River, North Carolina, survey of .....	16	68	
Cincinnati, Ohio, harbor of refuge near .....	16	50	
Claims, list of, arising under act July 4, 1864 .....	11	26	
Clerks of the Commissary-General's Office .....	16	78	
Coast and geodetic survey .....	16	62	
Coast Survey .....	16	40	
Commerce and navigation, statistics of .....	15	32	1, 2
Commercial Relations, annual report on .....	18	108	
Commissary-Generals Office, clerks and contingent fund of .....	16	78	
Commissioners of the District of Columbia, report of .....	11	1	6
Commissioners of Internal Revenue, report of .....	13	4	
Comptroller of the Currency, report of .....	13	3	
Conemaugh River .....	16	105	
Conference, International Monetary .....	11	7	7
Congressional Library, purchase of site for .....	11	8	
Contingent fund of the Commissary-General's Office .....	16	78	
Correspondence in relation to diplomatic service .....	11	9	
Currency, report of Comptroller of .....	13	3	
Customs-officers, fees of .....	16	87	
D.			
Deficiencies, estimates of, in the Treasury .....	11	31	
Deficiencies, estimates of, in pay of Army .....	16	80	
Delaware and Chesapeake ship-canal .....	16	91	
Delaware Breakwater, harbor at .....	16	92	
Delaware River near Schooner Ledge .....	16	64	
Diplomatic service, correspondence in relation to .....	11	9	
District of Columbia, annual report of Commissioners of .....	11	1	6
Duties, collection of, on imports .....	16	59	
Disbursements, Indian .....	14	6	
E.			
Estimates of appropriations .....	14	5	
Estimates of deficiency in the Treasury .....	11	31	
Estimates of deficiency in pay of Army .....	16	80	
F.			
Fees of customs-officers .....	16	87	
Flint River .....	16	95	
Foreign relations, papers relating to .....	1	1	1
Fox and Missouri Rivers, improvement of .....	16	51	
Fralick, J. W., report of .....	11	17	
Forestry, report on .....	16	107	
Forest Bell, bark .....	16	96	
G.			
Geodetic survey .....	16	62	
Georgia, Savannah River .....	16	90	
Gas-Light Company, Washington .....	16	99	
H.			
Harbor, improvement of, at Burlington, Iowa .....	16	74	
Harbor at Delaware Breakwater .....	16	92	
Harbor on Humboldt River .....	11	22	
Harbor of refuge near Cincinnati, Ohio .....	16	50	
Harlem River, New York .....	16	45	
Hoard's Rock, Monongahela River .....	16	65	
Hot Springs Reservation .....	11	13	
Humboldt River, harbor on .....	11	22	

Subject.	Vol.	No.	Part.
I.			
Illinois River and Illinois and Michigan Canal .....	16	81	
Immigration, Chinese, veto message .....	16	102	
Imports, collection of duties on .....	16	59	
Indian agencies, salaries paid at .....	14	6	
Indian Commission, report of .....	16	84	
Indian Department, disbursements made from .....	14	6	
Informers, compensation paid .....	11	10	
International Monetary Conference .....	11	1	7
Internal Revenue, report of Commissioner .....	13	4	
Iron, report of board appointed to test .....	16	98	
Interior, Secretary of, papers submitted by:			
Annual report of .....	9	1	5
Arkansas Hot Springs reservation .....	11	18	
Arrears of pensions .....	16	75	
Choctaw claim, report upon .....	16	34	
Disbursements made from the appropriations for the Indian Department for the fiscal year ending June 30, 1878, and salaries and incidental expenses paid at each agency in the Indian service .....	14	6	
Education, annual report of the Commissioner of (volume 2) .....	16	1	5
Extension of patents for making wood paper-pulp .....	16	27	
Polygamy, petitions for the enforcement of the anti-polygamy act .....	16	58	
Public documents, number received by the department for distribution .....	16	36	
Purchase of a site for Congressional Library .....	11	8	
Iowa, improvement of the harbor at Burlington .....	16	74	
J.			
James Island light-house .....	16	93	
K.			
Kankakee River .....	16	73	
Kansas River .....	16	94	
Kentucky River and its tributaries .....	16	47	
Kiackiminitas and Conemaugh Rivers .....	16	106	
L.			
Laidley, Col. T. T. S., report of .....	16	98	
Landreau, John C., claim of .....	16	35	
Lands on Muscle Shoals Canal .....	16	52	
Lands, arid, Powell's report of, with maps .....	16	73	
L'Anquille River, improvement of .....	16	57	
Library, Congressional .....	11	8	
Licking River, survey of .....	16	103	
Light-house, James Island .....	16	93	
Louisiana, survey of certain bayous in .....	16	61	
M.			
Mails, offers for carrying the .....	17	88	
Manasquan River, New Jersey .....	16	53	
Maps of the arid lands of the United States .....	16	73	
Maryland, James Island light-house .....	16	93	
Metals, report of board appointed to test .....	16	98	
Mexico, commercial relations with .....	11	15	
Military reservation, Point San José .....	11	11	
Mississippi River, Lower, improvement of .....	16	37	
survey of .....	11	24	
sources of .....	16	54	
duplicate surveys of .....	11	19	
low-water navigation .....	16	41	
Missouri River near Glasgow, Mo .....	16	46	

Subject.	Vol.	No.	Part.
Missouri River near Cedar City .....	16	44	
at Saint Charles.....	16	60	
Plattsmouth and Brownsville, Nebr .....	16	63	
Molasses, drawback on .....	16	67	
Monitors, completion of certain .....	16	63	
Monongahela River, Hoard's Rock .....	13	65	
Muscatine, Iowa, landing-front at .....	13	56	
Muskingum River, Ohio .....	16	42	
Muscle Shoals Canal, lands on .....	13	52	
N.			
National bank depositories, deposits in .....	11	25	
National banks, loan account in .....	11	13	
Navigation, statistics of .....	15	32	2
Navy, Secretary of, annual report of the .....	8	1	3
appropriation for the completion of certain monitors .....	16	63	
Neuse River, North Carolina, survey of .....	16	68	
Nottoway River, Virginia, survey of .....	16	68	
North Landing, Virginia, survey of .....	16	68	
O.			
Obey's River, Tennessee, survey of .....	16	106	
Officers, customs, fees of .....	16	87	
Onancock River, Virginia, survey of .....	16	68	
Oregon, Rogue River, survey of .....	16	97	
P.			
Paper from wood pulp, Voetler's patent .....	11	27	
Pascagoula and other rivers .....	16	95	
Pataasco River .....	16	49	
Patents, annual report of the Commissioner of .....	14	48	
Patents for wood paper-pulp, extension of .....	11	27	
Pearl River, survey of .....	16	98	
Pedee River, survey of .....	16	68	
Pension arrears .....	16	75	
Pensions, payment of arrears .....	16	85	
Polygamy, enforcement of laws against .....	11	11	
Point San José military reservation .....	16	58	
Postal relations with South America .....	11	17	
Postmaster-General:			
Additional appropriations for railway service .....	16	77	
Annual report of .....	8	1	4
Potomac River, flats of .....	16	70	
Powell, J. W., report on the lands of the arid region of Utah, with maps (2d session) .....	16	73	
President of the United States:			
Baumer, Julius .....	11	14	
Board appointed to test iron, steel, and other metals, report of .....	16	98	
Carlos Butterfield & Co .....	16	33	
Choctaw claim .....	16	34	
Commissioners of the United States to attend the Interna- tional Monetary Conference .....	11	1	7
Commercial relations with Mexico .....	11	15	
Foreign relations, with index .....	1	1	1
Indian Commissioner, report of .....	16	84	
Message of, annual .....	1	1	1
Veto message of Chinese immigration bill .....	16	102	
Prison congress, report of proceedings of .....	16	86	
Public money on deposit in banks .....	11	12	
R.			
Railway mail service .....	16	77	
Real estate acquired by United States .....	11	20	
Red River, survey of .....	16	39	

Subject.	Vol.	No.	Part.
<b>Rivers:</b>			
Allegheny, survey of .....	11	21	
Apalachicola, survey of .....	16	82	
Arkansas, survey of .....	16	94	
Cane Fork, survey of .....	16	106	
Chickasawha, survey of .....	16	95	
Chippewa, sources of .....	16	54	
Chowan, survey of .....	16	68	
Conemaugh, survey of .....	16	105	
Delaware, survey of .....	16	64	
Flint, survey of .....	16	95	
Fox, improvement of .....	16	51	
Harlem, improvement of .....	16	45	
Humboldt, harbor on .....	11	22	
Illinois, improvement of .....	16	81	
Kankakee .....	16	73	
Kansas .....	16	94	
Kentucky .....	16	47	
Kiskiminitas .....	16	105	
L'Anquille, improvement of .....	16	57	
Licking, survey of .....	16	103	
Manasquan .....	16	53	
Mississippi .....	11	19	
Mississippi .....	11	24	
Mississippi .....	11	31	
Mississippi .....	16	37	
Mississippi .....	16	54	
Missouri .....	16	44	
Missouri .....	16	46	
Missouri .....	16	60	
Missouri .....	16	66	
Monongahela .....	16	65	
Muskingum .....	16	42	
Nenae .....	16	68	
Nottoway .....	16	68	
Northlanding .....	16	68	
Obey's .....	16	106	
Onancock .....	16	68	
Pascagoula .....	16	95	
Patapeco .....	16	49	
Pearl .....	16	98	
Pedee .....	16	68	
Red .....	16	39	
Rogue .....	16	97	
Saint Croix, sources of .....	16	54	
Saint Francis, improvement of .....	16	57	
Shrewsbury, New Jersey .....	16	38	
Savannah .....	16	90	
Stanton .....	16	43	
Wisconsin, improvement of .....	16	51	
Wisconsin, sources of .....	16	54	
White .....	16	57	
Rogue River, Oregon .....	16	97	
<b>S.</b>			
Saint Croix River, sources of .....	16	54	
Saint Francis River, improvement of .....	16	57	
Salaries paid at Indian agencies .....	14	6	
San Buenaventura Harbor .....	11	22	
San Francisco, improvement of Bay street .....	16	69	
San Luis Obispo Harbor, report on .....	11	22	
Savannah River .....	16	90	
Saybrook, Connecticut, beacon light on .....	16	100	
Schooner Ledge .....	16	64	
Shrewsbury River, New Jersey .....	16	38	

Subject.	Vol.	No.	Part.
Sirups, drawbacks on.....	16	67	
South America, postal relations with.....	11	17	
South Carolina, collection of certain taxes in.....	16	101	
Stanton River, Virginia.....	16	43	
State, Secretary of:			
Commercial and postal relations with South America.....	11	16	
Contingent fund of State Department.....	11	28	
Diplomatic and consular service.....	11	9	
Steel, report of board appointed to test.....	16	98	
Sugars, drawbacks on.....	16	67	
Survey, coast and geodetic.....	16	62	
Cost of certain.....	11	29	
Geographical.....	16	89	
of Caney Fork River, Tennessee.....	16	72	
of Chowan River, North Carolina.....	16	106	
of Coast Lake.....	16	68	
of coast of Long Island.....	16	79	
of Pearl River.....	16	98	
of Moss River.....	11	24	
of 100th meridian.....	16	104	
of Licking River, Kentucky.....	16	103	
Tonnage dues paid by certain steamship companies.....	16	76	
Treasury, annual report of the.....	12	2	
U.			
Utah, polygamy in.....	16	58	
V.			
Veto message, Chinese immigration.....	16	102	
W.			
War, Secretary of:			
Addie Walton, wreck of schooner.....	16	55	
Allegheny River, survey of.....	11	21	
Annapolis Harbor and Patapsco River, survey of.....	16	49	
Annual Report of (volume 1).....	2	1	2
Apalachicola River and Bay.....	16	82	
Army, deficiency in pay of.....	16	80	
Army, strength of.....	11	23	
Burlington Harbor and Rush Chute, Iowa.....	16	74	
California, certain harbors in.....	11	22	
Caney Fork and Obey Rivers and Cumberland River in Kentucky.....	16	106	
Clerks and contingent fund of Commissary-General's Office.....	16	78	
Chesapeake and Delaware Ship-canal.....	16	91	
Chickaswa, Pascagoula, and Flint Rivers.....	16	94	
Cincinnati, harbor of refuge near.....	16	50	
Conneaut Harbor, Ohio.....	16	71	
Correspondent, wreck of schooner.....	16	83	
Delaware Breakwater, harbor at.....	16	92	
Delaware River, near Schooner Ledge.....	16	64	
Engineers, annual report of the Chief of (vol. 2, parts 1, 2, and 3).....	3, 4, 5	1	2
Fox and Wisconsin Rivers, improvement of.....	16	51	
Harlem River, New York.....	16	45	
Illinois River and Illinois and Michigan Canal.....	16	81	
Kankakee River.....	16	73	
Kansas and Arkansas Rivers.....	16	94	
Kentucky River and its tributaries.....	16	47	
Kiskiminitas and Conemaugh Rivers.....	16	105	
Lake Survey, cost of.....	16	79	
Licking River in Kentucky, survey of.....	16	103	
Louisiana, report of survey of certain lakes and bayous in.....		61	

Subject.	Vol.	No.	Part.
<b>War, Secretary of:</b>			
Manasquan River, New Jersey .....	16	53	
Mississippi River, improvement of the low-water navigation of .....	16	41	
improvement of the Lower .....	16	39	
sources of .....	16	54	
survey of .....	11	24	
improvement of navigation of Lower .....	16	37	
duplication of the surveys on, by Coast Survey .....	11	19	
Missouri River, survey of, at Saint Charles .....	16	60	
at Plattsmouth, Nebraska .....	16	66	
at Cedar City, Missouri .....	16	44	
at Glasgow .....	16	46	
Monongahela River .....	16	65	
Muscatine River, Iowa, landing front at .....	16	53	
Muskingum River, Ohio .....	16	42	
Muscle Shoals Canal, lands on .....	16	52	
Ordinance, annual report of the Chief of (volume 3) .....	6	1	2
Pearl and Tangipahoa Rivers, survey of .....	16	98	
Point San José military reservation .....	11	11	
Potomac River, flats on .....	16	70	
Red River, survey of .....	16	39	
Savannah River, survey of .....	16	90	
Shrewsbury River, survey of .....	16	38	
San Francisco, improvement of Bay street .....	16	69	
Signal-Officer annual report of the Chief (volume 4) .....	7	1	2
Stanton River, Virginia .....	16	43	
Survey of certain rivers in Virginia and North Carolina .....	16	68	
Survey of the 100th meridian .....	16	104	
White River, improvement of .....	16	57	
White, Saint Francis, L'Anguilla Rivers, Arkansas .....	16	57	
Wisconsin and Fox Rivers improvement, damages .....	16	51	
sources of .....	16	54	
Wood paper-pulp, extension of patents for making .....	11	27	



# P A P E R S

RELATING TO THE

# FOREIGN RELATIONS

OF

THE UNITED STATES,

TRANSMITTED TO CONGRESS,

WITH THE ANNUAL MESSAGE OF THE PRESIDENT,

DECEMBER 2, 1878.

PRECEDED BY A

LIST OF PAPERS AND FOLLOWED BY AN INDEX OF  
PERSONS AND SUBJECTS.



WASHINGTON:  
GOVERNMENT PRINTING OFFICE.  
1878.





## MESSAGE.

---

*Fellow-Citizens of the Senate and House of Representatives :*

Our heartfelt gratitude is due to the Divine Being, who holds in His hands the destinies of nations, for the continued bestowal, during the last year, of countless blessings upon our country.

We are at peace with all other nations. Our public credit has greatly improved, and is, perhaps, now stronger than ever before. Abundant harvests have rewarded the labors of those who till the soil, our manufacturing industries are reviving, and it is believed that general prosperity, which has been so long anxiously looked for, is at last within our reach.

The enjoyment of health by our people generally has, however, been interrupted, during the past season, by the prevalence of a fatal pestilence, the yellow-fever, in some portions of the southern States, creating an emergency which called for prompt and extraordinary measures of relief. The disease appeared as an epidemic at New Orleans and at other places on the lower Mississippi, soon after midsummer. It was rapidly spread by fugitives from the infected cities and towns, and did not disappear until early in November. The States of Louisiana, Mississippi, and Tennessee have suffered severely. About one hundred thousand cases are believed to have occurred, of which about twenty thousand, according to intelligent estimates, proved fatal. It is impossible to estimate with any approach to accuracy the loss to the country occasioned by this epidemic. It is to be reckoned by the hundred millions of dollars. The suffering and destitution that resulted, excited the deepest sympathy in all parts of the Union. Physicians and nurses hastened from every quarter to the assistance of the afflicted communities. Voluntary contributions of money and supplies, in every needed form, were speedily and generously furnished. The Government was able to respond in some measure to the call for help, by providing tents, medicines, and food for the sick and destitute, the requisite directions for the purpose being given, in the confident expectation that this action of the Executive would receive the sanction of Congress. About eighteen hundred tents, and rations of the value of about twenty-five thousand dollars, were sent to cities and towns which applied for them, full details of which will be furnished to Congress by the proper Department.

The fearful spread of this pestilence, has awakened a very general public sentiment in favor of national sanitary administration, which shall not only control quarantine, but have the sanitary supervision of

internal commerce in times of epidemics, and hold an advisory relation to the State and municipal health authorities, with power to deal with whatever endangers the public health, and which the municipal and State authorities are unable to regulate. The national quarantine act approved April 29, 1878, which was passed too late in the last session of Congress to provide the means for carrying it into practical operation, during the past season, is a step in the direction here indicated. In view of the necessity for the most effective measures, by quarantine and otherwise, for the protection of our sea-ports, and the country generally, from this and other epidemics, it is recommended that Congress give to the whole subject early and careful consideration.

The permanent pacification of the country by the complete protection of all citizens in every civil and political right continues to be of paramount interest with the great body of our people. Every step in this direction is welcomed with public approval, and every interruption of steady and uniform progress to the desired consummation awakens general uneasiness and wide-spread condemnation. The recent congressional elections have furnished a direct and trustworthy test of the advance thus far made in the practical establishment of the right of suffrage, secured by the Constitution to the liberated race in the Southern States. All disturbing influences, real or imaginary, had been removed from all of these States.

The three constitutional amendments, which conferred freedom and equality of civil and political rights upon the colored people of the South, were adopted by the concurrent action of the great body of good citizens who maintained the authority of the National Government and the integrity and perpetuity of the Union at such a cost of treasure and life, as a wise and necessary embodiment in the organic law of the just results of the war. The people of the former slave-holding States accepted these results, and gave, in every practicable form, assurances that the thirteenth, fourteenth, and fifteenth amendments, and laws passed in pursuance thereof, should, in good faith, be enforced, rigidly and impartially, in letter and spirit, to the end that the humblest citizen, without distinction of race or color, should, under them, receive full and equal protection in person and property and in political rights and privileges. By these constitutional amendments, the southern section of the Union obtained a large increase of political power in Congress and in the Electoral College, and the country justly expected that elections would proceed, as to the enfranchised race, upon the same circumstances of legal and constitutional freedom and protection which obtained in all the other States of the Union. The friends of law and order looked forward to the conduct of these elections, as offering to the general judgment of the country an important opportunity to measure the degree in which the right of suffrage could be exercised by the colored people, and would be respected by their fellow-citizens; but a more general enjoyment of freedom of suffrage by the colored people, and a more just

and generous protection of that freedom by the communities of which they form a part, were generally anticipated than the record of the elections discloses. In some of those States in which the colored people have been unable to make their opinions felt in the elections, the result is mainly due to influences not easily measured or remedied by legal protection; but in the States of Louisiana and South Carolina at large, and in some particular congressional districts outside of those States, the records of the elections seem to compel the conclusion that the rights of the colored voters have been overridden, and their participation in the elections not permitted to be either general or free.

It will be for the Congress for which these elections were held, to make such examinations into their conduct as may be appropriate to determine the validity of the claims of members to their seats. In the meanwhile it becomes the duty of the Executive and Judicial Departments of the Government, each in its province, to inquire into and punish violations of the laws of the United States which have occurred. I can but repeat what I said in this connection in my last message, that whatever authority rests with me to this end I shall not hesitate to put forth, and I am unwilling to forego a renewed appeal to the legislatures, the courts, the executive authorities, and the people of the States where these wrongs have been perpetrated, to give their assistance towards bringing to justice the offenders and preventing a repetition of the crimes. No means within my power will be spared to obtain a full and fair investigation of the alleged crimes, and to secure the conviction and just punishment of the guilty.

It is to be observed that the principal appropriation made for the Department of Justice at the last session contained the following clause: "And for defraying the expenses which may be incurred in the enforcement of the act approved February twenty-eighth, eighteen hundred and seventy-one, entitled 'An act to amend an act approved May thirtieth, eighteen hundred and seventy, entitled An act to enforce the rights of citizens of the United States to vote in the several States of the Union, and for other purposes,' or any acts amendatory thereof or supplementary thereto."

It is the opinion of the Attorney General that the expenses of these proceedings will largely exceed the amount which was thus provided, and I rely confidently upon Congress to make adequate appropriations to enable the Executive Department to enforce the laws.

I respectfully urge upon your attention that the congressional elections, in every district, in a very important sense, are justly a matter of political interest and concern throughout the whole country. Each State, every political party, is entitled to the share of power which is conferred by the legal and constitutional suffrage. It is the right of every citizen, possessing the qualifications prescribed by law, to cast one unintimidated ballot, and to have his ballot honestly counted. So long as the exercise of this power and the enjoyment of this right are

common and equal, practically as well as formally, submission to the results of the suffrage will be accorded loyally and cheerfully, and all the departments of Government will feel the true vigor of the popular will thus expressed. No temporary or administrative interests of Government, however urgent or weighty, will ever displace the zeal of our people in defence of the primary rights of citizenship. They understand that the protection of liberty requires the maintenance, in full vigor, of the manly methods of free speech, free press, and free suffrage, and will sustain the full authority of Government to enforce the laws which are framed to preserve these inestimable rights. The material progress and welfare of the States depend on the protection afforded to their citizens. There can be no peace without such protection, no prosperity without peace, and the whole country is deeply interested in the growth and prosperity of all its parts.

While the country has not yet reached complete unity of feeling and reciprocal confidence between the communities so lately and so seriously estranged, I feel an absolute assurance that the tendencies are in that direction, and with increasing force. The power of public opinion will override all political prejudices, and all sectional or State attachments, in demanding that all over our wide territory the name and character of citizen of the United States shall mean one and the same thing, and carry with them unchallenged security and respect.

Our relations with other countries continue peaceful. Our neutrality in contests between foreign powers has been maintained and respected.

The Universal Exposition held at Paris during the past summer has been attended by large numbers of our citizens. The brief period allowed for the preparation and arrangement of the contributions of our citizens to this great Exposition was well employed in energetic and judicious efforts to overcome this disadvantage. These efforts, led and directed by the Commissioner General, were remarkably successful, and the exhibition of the products of American industry was creditable and gratifying in scope and character. The reports of the United States commissioners, giving its results in detail, will be duly laid before you. Our participation in this international competition for the favor and the trade of the world may be expected to produce useful and important results, in promoting intercourse, friendship, and commerce with other nations.

In accordance with the provisions of the act of February 28, 1878, three commissioners were appointed to an international conference on the subject of adopting a common ratio between gold and silver, for the purpose of establishing, internationally, the use of bimetallic money, and securing fixity of relative value between those metals.

Invitations were addressed to the various Governments which had expressed a willingness to participate in its deliberations. The conference held its meetings in Paris, in August last. The report of the commissioners, herewith submitted, will show its results. No common

ratio between gold and silver could be agreed upon by the conference. The general conclusion was reached that it is necessary to maintain in the world the monetary functions of silver as well as of gold, leaving the selection of the use of one or the other of these two metals, or of both, to be made by each State.

Congress having appropriated at its last session the sum of \$5,500,000 to pay the award of the Joint Commission at Halifax, if, after correspondence with the British Government, on the subject of the conformity of the award to the requirements of the treaty and to the terms of the question thereby submitted to the Commission, the President shall deem it his duty to make the payment, communications upon these points were addressed to the British Government through the legation of the United States at London. Failing to obtain the concurrence of the British Government in the views of this Government respecting the award, I have deemed it my duty to tender the sum named, within the year fixed by the treaty, accompanied by a notice of the grounds of the payment, and a protest against any other construction of the same. The correspondence upon this subject will be laid before you.

The Spanish Government has officially announced the termination of the insurrection in Cuba, and the restoration of peace throughout that island. Confident expectations are expressed of a revival of trade and prosperity, which it is earnestly hoped may prove well-founded. Numerous claims of American citizens for relief for injuries or restoration of property, have been among the incidents of the long-continued hostilities. Some of these claims are in process of adjustment by Spain, and the others are promised early and careful consideration.

The treaty made with Italy, in regard to reciprocal consular privileges, has been duly ratified and proclaimed.

No questions of grave importance have arisen with any other of the European powers.

The Japanese Government has been desirous of a revision of such parts of its treaties with foreign powers as relate to commerce, and, it is understood, has addressed to each of the treaty powers a request to open negotiations with that view. The United States Government has been inclined to regard the matter favorably. Whatever restrictions upon trade with Japan are found injurious to that people cannot but affect injuriously nations holding commercial intercourse with them. Japan, after a long period of seclusion, has within the past few years made rapid strides in the path of enlightenment and progress, and, not unreasonably, is looking forward to the time when her relations with the nations of Europe and America shall be assimilated to those which they hold with each other. A treaty looking to this end has been made, which will be submitted for the consideration of the Senate.

After an interval of several years, the Chinese Government has again sent envoys to the United States. They have been received, and a permanent legation is now established here by that Government. It is not

doubted that this step will be of advantage to both nations in promoting friendly relations and removing causes of difference.

The treaty with the Samoan Islands, having been duly ratified and accepted on the part of both Governments, is now in operation, and a survey and soundings of the harbor of Pago-Pago have been made by a naval vessel of the United States, with a view of its occupation as a naval station, if found desirable to the service.

Since the resumption of diplomatic relations with Mexico, correspondence has been opened and still continues between the two Governments upon the various questions which at one time seemed to endanger their relations. While no formal agreement has been reached as to the troubles on the border, much has been done to repress and diminish them. The effective force of United States troops on the Rio Grande, by a strict and faithful compliance with instructions, has done much to remove the sources of dispute, and it is now understood that a like force of Mexican troops on the other side of the river is also making an energetic movement against the marauding Indian tribes. This Government looks with the greatest satisfaction upon every evidence of strength in the national authority of Mexico, and upon every effort put forth to prevent or to punish incursions upon our territory. Reluctant to assume any action or attitude in the control of these incursions, by military movements across the border, not imperatively demanded for the protection of the lives and property of our own citizens, I shall take the earliest opportunity, consistent with the proper discharge of this plain duty, to recognize the ability of the Mexican Government to restrain effectively violations of our territory. It is proposed to hold next year an International Exhibition in Mexico, and it is believed that the display of the agricultural and manufacturing products of the two nations will tend to better understanding and increased commercial intercourse between their people.

With Brazil and the Republics of Central and South America some steps have been taken toward the development of closer commercial intercourse. Diplomatic relations have been resumed with Columbia and with Bolivia. A boundary question between the Argentine Republic and Paraguay has been submitted by those Governments for arbitration to the President of the United States, and I have, after careful examination, given a decision upon it.

A naval expedition up the Amazon and Madeira rivers has brought back information valuable both for scientific and commercial purposes. A like expedition is about visiting the coast of Africa and the Indian Ocean. The reports of diplomatic and consular officers in relation to the development of our foreign commerce have furnished many facts that have proved of public interest, and have stimulated to practical exertion the enterprise of our people.

The report of the Secretary of the Treasury furnishes a detailed statement of the operations of that Department of the Government and of the condition of the public finances.

The ordinary revenues from all sources for the fiscal year ended June 30, 1878, were \$257,763,878.70; the ordinary expenditures for the same period were \$236,964,326.80, leaving a surplus revenue for the year of \$20,799,551.90.

The receipts for the present fiscal year, ending June 30, 1879, actual and estimated, are as follows: Actual receipts for the first quarter commencing July 1, 1878, \$73,389,743.43; estimated receipts for the remaining three-quarters of the year, \$191,110,256.57; total receipts for the current fiscal year, actual and estimated, \$264,500,000. The expenditures for the same period will be, actual and estimated, as follows: For the quarter commencing July 1, 1878, actual expenditures, \$73,344,573.27; and for the remaining three-quarters of the year the expenditures are estimated at \$166,755,426.73, making the total expenditures \$240,100,000; and leaving an estimated surplus revenue for the year ending June 30, 1879, of \$24,400,000.

The total receipts during the next fiscal year, ending June 30, 1880, estimated according to existing laws, will be \$264,500,000; and the estimated ordinary expenditures, for the same period, will be \$236,320,412.68; leaving a surplus of \$28,179,587.32 for that year.

In the foregoing statements of expenditures, actual and estimated, no amount is allowed for the sinking-fund provided for by the act approved February 25, 1862, which requires that one per cent. of the entire debt of the United States shall be purchased or paid within each fiscal year, to be set apart as a sinking-fund. There has been, however, a substantial compliance with the conditions of the law. By its terms, the public debt should have been reduced between 1862 and the close of the last fiscal year, \$518,361,806.28; the actual reduction of the ascertained debt, in that period, has been \$720,644,739.61; being in excess of the reduction required by the sinking-fund act—\$292,282,933.33.

The amount of the public debt, less cash in the Treasury, November 1, 1878, was \$2,024,200,083.18—a reduction, since the same date last year, of \$23,150,617.39.

The progress made during the last year, in refunding the public debt at lower rates of interest, is very gratifying. The amount of four per cent. bonds sold during the present year prior to November 23, 1878, is \$100,270,900, and six per cent. bonds, commonly known as five-twenties, to an equal amount, have been, or will be redeemed as calls mature.

It has been the policy of the Department to place the four per cent. bonds within easy reach of every citizen who desires to invest his savings, whether small or great, in these securities. The Secretary of the Treasury recommends that the law be so modified that small sums may be invested, and that through the post-offices or other agents of the Government the freest opportunity may be given in all parts of the country for such investments.

The best mode suggested is that the Department be authorized to issue certificates of deposit, of the denomination of ten dollars, bearing inter-



est at the rate of 3.65 per cent. per annum, and convertible at any time within one year after their issue into the four per cent. bonds authorized by the refunding act, and to be issued only in exchange for United States notes sent to the Treasury by mail or otherwise. Such a provision of law, supported by suitable regulations, would enable any person readily, without cost or risk, to convert his money into an interest-bearing security of the United States, and the money so received could be applied to the redemption of six per cent. bonds.

The coinage of gold during the last fiscal year was \$52,798,980. The coinage of silver dollars, under the act passed February 28, 1878, amounted on the 23d of November, 1878, to \$19,814,550, of which amount \$4,984,947 are in circulation, and the balance, \$14,829,603, is still in the possession of the Government.

With views unchanged with regard to the act under which the coinage of silver proceeds, it has been the purpose of the Secretary faithfully to execute the law, and to afford a fair trial to the measure.

In the present financial condition of the country, I am persuaded that the welfare of legitimate business and industry of every description will be best promoted by abstaining from all attempts to make radical changes in the existing financial legislation. Let it be understood that during the coming year the business of the country will be undisturbed by governmental interference with the laws affecting it, and we may confidently expect that the resumption of specie payments, which will take place at the appointed time, will be successfully and easily maintained, and that it will be followed by a healthful and enduring revival of business prosperity.

Let the healing influence of time, the inherent energies of our people, and the boundless resources of our country, have a fair opportunity, and relief from present difficulties will surely follow.

The report of the Secretary of War shows that the Army has been well and economically supplied, that our small force has been actively employed, and has faithfully performed all the service required of it. The *morale* of the Army has improved, and the number of desertions has materially decreased during the year.

The Secretary recommends—

1. That a pension be granted to the widow of the late Lieutenant Henry H. Benner, 18th Infantry, who lost his life by yellow-fever while in command of the steamer "J. M. Chambers," sent with supplies for the relief of sufferers in the South from that disease.
2. The establishment of the annuity scheme for the benefit of the heirs of deceased officers, as suggested by the Paymaster General.
3. The adoption by Congress of a plan for the publication of the records of the War of the Rebellion, now being prepared for that purpose.
4. The increase of the extra per diem of soldier-teachers employed in post-schools, and liberal appropriations for the erection of buildings for schools and libraries at the different posts.

5. The repeal or amendment of the act of June 18, 1878, forbidding the "use of the Army as a *posse comitatus*, or otherwise, for the purpose of executing the laws, except in such cases and under such circumstances as may be expressly authorized by the Constitution or by act of Congress."

6. The passage of a joint resolution of Congress legalizing the issues of rations, tents, and medicines which were made for the relief of sufferers from yellow-fever.

7. That provision be made for the erection of a fire-proof building for the preservation of certain valuable records, now constantly exposed to destruction by fire.

These recommendations are all commended to your favorable consideration.

The report of the Secretary of the Navy shows that the Navy has improved during the last fiscal year. Work has been done on seventy-five vessels, ten of which have been thoroughly repaired, and made ready for sea. Two others are in rapid progress towards completion. The total expenditures of the year, including the amount appropriated for the deficiencies of the previous year, were \$17,468,392.65. The actual expenses chargeable to the year, exclusive of these deficiencies, were \$13,306,914.09, or \$767,199.18 less than those of the previous year, and \$4,928,677.74 less than the expenses, including the deficiencies. The estimates for the fiscal year ending June 30, 1880, are \$14,562,381.45—exceeding the appropriations of the present year only \$33,949.75; which excess is occasioned by the demands of the Naval Academy and the Marine Corps, as explained in the Secretary's report. The appropriations for the present fiscal year are \$14,528,431.70, which, in the opinion of the Secretary, will be ample for all the current expenses of the Department during the year. The amount drawn from the Treasury from July 1, to November 1, 1878, is \$4,740,544.14, of which \$70,980.75 has been refunded, leaving as the expenditure for that period \$4,669,563.39, or \$520,899.24 less than the corresponding period of the last fiscal year.

The report of the Postmaster General embraces a detailed statement of the operations of the Post Office Department. The expenditures of that Department for the fiscal year ended June 30, 1878, were \$34,165,084.49. The receipts, including sales of stamps, money-order business, and official stamps, were \$29,277,516.95. The sum of \$290,436.90, included in the foregoing statement of expenditures, is chargeable to preceding years, so that the actual expenditures for the fiscal year ended June 30, 1878, are \$33,874,647.50. The amount drawn from the Treasury on appropriations, in addition to the revenues of the Department, was \$5,307,652.82. The expenditures for the fiscal year ending June 30, 1880, are estimated at \$36,571,900, and the receipts from all sources at \$30,664,023.90, leaving a deficiency to be appropriated out of the Treasury of \$5,907,876.10. The report calls attention to the fact that the compensation of postmasters and of railroads for carrying the mail is regulated

by law, and that the failure of Congress to appropriate the amounts required for these purposes does not relieve the Government of responsibility, but necessarily increases the deficiency bills which Congress will be called upon to pass.

In providing for the postal service, the following questions are presented: Should Congress annually appropriate a sum for its expenses largely in excess of its revenues, or should such rates of postage be established as will make the Department self-sustaining? Should the postal service be reduced by excluding from the mails, matter which does not pay its way? Should the number of post-routes be diminished? Should other methods be adopted which will increase the revenues or diminish the expenses of the postal service?

The International Postal Congress, which met at Paris May 1, 1878, and continued in session until June 4 of the same year, was composed of delegates from nearly all the civilized countries of the world. It adopted a new convention, to take the place of the treaty concluded at Berne October 9, 1874; which goes into effect on the 1st of April, 1879, between the countries whose delegates have signed it. It was ratified and approved, by and with the consent of the President, August 13, 1878. A synopsis of this Universal Postal Convention will be found in the report of the Postmaster General, and the full text in the appendix thereto. In its origin the Postal Union comprised twenty-three countries, having a population of three hundred and fifty millions of people. On the 1st of April next it will comprise forty-three countries and colonies, with a population of more than six hundred and fifty millions of people, and will soon, by the accession of the few remaining countries and colonies which maintain organized postal services, constitute, in fact as well as in name, as its new title indicates, a Universal Union, regulating, upon a uniform basis of cheap postage-rates, the postal intercourse between all civilized nations.

Some embarrassment has arisen out of the conflict between the customs laws of this country and the provisions of the Postal Convention, in regard to the transmission of foreign books and newspapers to this country by mail. It is hoped that Congress will be able to devise some means of reconciling the difficulties which have thus been created, so as to do justice to all parties involved.

The business of the Supreme Court, and of the courts in many of the circuits, has increased to such an extent during the past year that additional legislation is imperative to relieve and prevent the delay of justice and possible oppression to suitors, which is thus occasioned. The encumbered condition of these dockets is presented anew in the report of the Attorney General, and the remedy suggested is earnestly urged for congressional action. The creation of additional circuit judges, as proposed, would afford a complete remedy, and would involve an expense—at the present rate of salaries—of not more than \$60,000 a year.

The annual reports of the Secretary of the Interior and of the Commissioner of Indian Affairs present an elaborate account of the present condition of the Indian tribes and of that branch of the public service which ministers to their interests. While the conduct of the Indians generally has been orderly and their relations with their neighbors friendly and peaceable, two local disturbances have occurred, which were deplorable in their character, but remained, happily, confined to a comparatively small number of Indians. The discontent among the Bannocks, which led first to some acts of violence on the part of some members of the tribe and finally to the outbreak, appears to have been caused by an insufficiency of food on the reservation, and this insufficiency to have been owing to the inadequacy of the appropriations made by Congress to the wants of the Indians at a time when the Indians were prevented from supplying the deficiency by hunting. After an arduous pursuit by the troops of the United States, and several engagements, the hostile Indians were reduced to subjection, and the larger part of them surrendered themselves as prisoners. In this connection I desire to call attention to the recommendation made by the Secretary of the Interior, that a sufficient fund be placed at the disposal of the Executive, to be used, with proper accountability, at discretion, in sudden emergencies of the Indian service.

The other case of disturbance was that of a band of Northern Cheyennes, who suddenly left their reservation in the Indian Territory and marched rapidly through the States of Kansas and Nebraska in the direction of their old hunting grounds, committing murders and other crimes on their way. From documents accompanying the report of the Secretary of the Interior it appears that this disorderly band was as fully supplied with the necessaries of life as the four thousand seven hundred other Indians who remained quietly on the reservation, and that the disturbance was caused by men of a restless and mischievous disposition among the Indians themselves. Almost the whole of this band have surrendered to the military authorities, and it is a gratifying fact that when some of them had taken refuge in the camp of the Red Cloud Sioux, with whom they had been in friendly relations, the Sioux held them as prisoners and readily gave them up to the officers of the United States, thus giving new proof of the loyal spirit which, alarming rumors to the contrary notwithstanding, they have uniformly shown ever since the wishes they expressed at the council of September, 1877, had been complied with.

Both the Secretary of the Interior and the Secretary of War unite in the recommendation that provision be made by Congress for the organization of a corps of mounted "Indian auxiliaries," to be under the control of the army, and to be used for the purpose of keeping the Indians on their reservations and preventing or repressing disturbance on their part. I earnestly concur in this recommendation. It is believed that the organization of such a body of Indian cavalry, receiving a moderate

pay from the Government, would considerably weaken the restless element among the Indians by withdrawing from it a number of young men and giving them congenial employment under the Government, it being a matter of experience that Indians in our service almost without exception are faithful in the performance of the duties assigned to them. Such an organization would materially aid the army in the accomplishment of a task for which its numerical strength is sometimes found insufficient.

But, while the employment of force for the prevention or repression of Indian troubles is of occasional necessity, and wise preparation should be made to that end, greater reliance must be placed on humane and civilizing agencies for the ultimate solution of what is called the Indian problem. It may be very difficult, and require much patient effort, to curb the unruly spirit of the savage Indian to the restraints of civilized life, but experience shows that it is not impossible. Many of the tribes which are now quiet and orderly and self-supporting were once as savage as any that at present roam over the plains or in the mountains of the far west, and were then considered inaccessible to civilizing influences. It may be impossible to raise them fully up to the level of the white population of the United States; but we should not forget that they are the aborigines of the country, and called the soil their own on which our people have grown rich, powerful, and happy. We owe it to them as a moral duty to help them in attaining at least that degree of civilization which they may be able to reach. It is not only our duty—it is also our interest to do so. Indians who have become agriculturists or herdsmen, and feel an interest in property, will thenceforth cease to be a warlike and disturbing element. It is also a well-authenticated fact that Indians are apt to be peaceable and quiet when their children are at school, and I am gratified to know, from the expressions of Indians themselves and from many concurring reports, that there is a steadily increasing desire, even among Indians belonging to comparatively wild tribes, to have their children educated. I invite attention to the reports of the Secretary of the Interior and the Commissioner of Indian Affairs, touching the experiment recently inaugurated, in taking fifty Indian children, boys and girls, from different tribes, to the Hampton Normal Agricultural Institute, in Virginia, where they are to receive an elementary English education and training in agriculture and other useful work, to be returned to their tribes, after the completed course, as interpreters, instructors, and examples. It is reported that the officer charged with the selection of those children might have had thousands of young Indians sent with him had it been possible to make provision for them. I agree with the Secretary of the Interior in saying that "the result of this interesting experiment, if favorable, may be destined to become an important factor in the advancement of civilization among the Indians."

The question, whether a change in the control of the Indian service should be made, was, at the last session of Congress, referred to a

committee for inquiry and report. Without desiring to anticipate that report, I venture to express the hope that in the decision of so important a question, the views expressed above may not be lost sight of, and that the decision, whatever it may be, will arrest further agitation of this subject, such agitation being apt to produce a disturbing effect upon the service as well as on the Indians themselves.

In the enrolment of the bill making appropriations for sundry civil expenses, at the last session of Congress, that portion which provided for the continuation of the Hot Springs commission was omitted. As the commission had completed the work of taking testimony on the many conflicting claims, the suspension of their labors, before determining the rights of claimants, threatened, for a time, to embarrass the interests, not only of the Government, but also of a large number of the citizens of Hot Springs, who were waiting for final action on their claims before beginning contemplated improvements. In order to prevent serious difficulties, which were apprehended, and at the solicitation of many leading citizens of Hot Springs, and others interested in the welfare of the town, the Secretary of the Interior was authorized to request the late commissioners to take charge of the records of their proceedings, and to perform such work as could properly be done by them under such circumstances, to facilitate the future adjudication of the claims at an early day, and to preserve the status of the claimants until their rights should be finally determined. The late commissioners complied with that request, and report that the testimony, in all the cases, has been written out, examined, briefed, and so arranged as to facilitate an early settlement when authorized by law. It is recommended that the requisite authority be given at as early a day in the session as possible, and that a fair compensation be allowed the late commissioners for the expense incurred and the labor performed by them since the 25th of June last.

I invite the attention of Congress to the recommendations made by the Secretary of the Interior with regard to the preservation of the timber on the public lands of the United States. The protection of the public property is one of the first duties of the Government. The Department of the Interior should, therefore, be enabled by sufficient appropriations to enforce the laws in that respect. But this matter appears still more important as a question of public economy. The rapid destruction of our forests is an evil fraught with the gravest consequences, especially in the mountainous districts, where the rocky slopes, once denuded of their trees, will remain so forever. There the injury, once done, cannot be repaired. I fully concur with the Secretary of the Interior in the opinion that, for this reason, legislation touching the public timber in the mountainous States and Territories of the West should be especially well considered, and that existing laws in which the destruction of the forests is not sufficiently guarded against should be speedily modified. A general law concerning this important subject appears to me to be a matter of urgent public necessity.

From the organization of the Government, the importance of encouraging, by all possible means, the increase of our agricultural productions has been acknowledged and urged upon the attention of Congress and the people as the surest and readiest means of increasing our substantial and enduring prosperity.

The words of Washington are as applicable to-day as when, in his eighth annual message, he said: "It is not to be doubted that with reference either to individual or national welfare, agriculture is of primary importance. In proportion as nations advance in population and other circumstances of maturity, this truth becomes more apparent, and renders the cultivation of the soil more and more an object of public patronage. Institutions for promoting it grow up, supported by the public purse—and to what object can it be dedicated with greater propriety? Among the means which have been employed to this end, none have been attended with greater success than the establishment of boards composed of proper characters, charged with collecting and diffusing information, and enabled, by premiums and small pecuniary aids, to encourage and assist the spirit of discovery and improvement, this species of establishment contributing doubly to the increase of improvement by stimulating to enterprise and experiment, and by drawing to a common centre the results everywhere of individual skill and observation, and spreading them thence over the whole nation. Experience accordingly hath shown that they are very cheap instruments of immense national benefit."

The preponderance of the agricultural, over any other interest in the United States, entitles it to all the consideration claimed for it by Washington. About one-half of the population of the United States is engaged in agriculture. The value of the agricultural products of the United States for the year 1878, is estimated at three thousand millions of dollars. The exports of agricultural products for the year 1877, as appears from the report of the Bureau of Statistics, were five hundred and twenty-four millions of dollars. The great extent of our country, with its diversity of soil and climate, enables us to produce within our own borders, and by our own labor, not only the necessities but most of the luxuries that are consumed in civilized countries. Yet, notwithstanding our advantages of soil, climate, and intercommunication, it appears from the statistical statements in the report of the Commissioner of Agriculture, that we import annually from foreign lands many millions of dollars' worth of agricultural products which could be raised in our own country.

Numerous questions arise in the practice of advanced agriculture which can only be answered by experiments, often costly and sometimes fruitless, which are beyond the means of private individuals, and are a just and proper charge on the whole nation for the benefit of the nation. It is good policy, especially in times of depression and uncertainty in other business pursuits, with a vast area of uncultivated, and hence unproductive territory, wisely opened to homestead settlement, to encourage,

by every proper and legitimate means, the occupation and tillage of the soil. The efforts of the Department of Agriculture to stimulate old and introduce new agricultural industries, to improve the quality and increase the quantity of our products, to determine the value of old or establish the importance of new methods of culture, are worthy of your careful and favorable consideration, and assistance by such appropriations of money and enlargement of facilities as may seem to be demanded by the present favorable conditions for the growth and rapid development of this important interest.

The abuse of animals in transit is widely attracting public attention. A national convention of societies specially interested in the subject has recently met at Baltimore, and the facts developed, both in regard to cruelties to animals and the effect of such cruelties upon the public health, would seem to demand the careful consideration of Congress, and the enactment of more efficient laws for the prevention of these abuses.

The report of the Commissioner of the Bureau of Education shows very gratifying progress throughout the country, in all the interests committed to the care of this important office. The report is especially encouraging with respect to the extension of the advantages of the common-school system, in sections of the country where the general enjoyment of the privilege of free schools is not yet attained.

To education more than to any other agency we are to look, as the resource for the advancement of the people, in the requisite knowledge and appreciation of their rights and responsibilities as citizens, and I desire to repeat the suggestion contained in my former message in behalf of the enactment of appropriate measures by Congress for the purpose of supplementing, with national aid, the local systems of education in the several States.

Adequate accommodations for the great library, which is overgrowing the capacity of the rooms now occupied at the Capitol, should be provided without further delay. This invaluable collection of books, manuscripts, and illustrative art, has grown to such proportions, in connection with the copyright system of the country, as to demand the prompt and careful attention of Congress to save it from injury in its present crowded and insufficient quarters. As this library is national in its character, and must, from the nature of the case, increase even more rapidly in the future than in the past, it cannot be doubted that the people will sanction any wise expenditure to preserve it and to enlarge its usefulness.

The appeal of the Regents of the Smithsonian Institution for the means to organize, exhibit, and make available for the public benefit the articles now stored away belonging to the National Museum, I heartily recommend to your favorable consideration.

The attention of Congress is again invited to the condition of the river-front of the city of Washington. It is a matter of vital importance to the health of the residents of the National Capital, both temporary



and permanent, that the low lands in front of the city, now subject to tidal overflow, should be reclaimed. In their present condition, these flats obstruct the drainage of the city, and are a dangerous source of malarial poison. The reclamation will improve the navigation of the river, by restricting and consequently deepening its channel; and is also of importance, when considered in connection with the extension of the public ground and the enlargement of the park, west and south of the Washington Monument. The report of the board of survey, heretofore ordered by act of Congress, on the improvement of the harbor of Washington and Georgetown, is respectfully commended to consideration.

The report of the Commissioners of the District of Columbia presents a detailed statement of the affairs of the District.

The relative expenditures by the United States and the District for local purposes is contrasted, showing that the expenditures by the people of the District greatly exceed those of the General Government. The exhibit is made in connection with estimates for the requisite repair of the defective pavements and sewers of the city, which is a work of immediate necessity, and, in the same connection, a plan is presented for the permanent funding of the outstanding securities of the District.

The benevolent, reformatory, and penal institutions of the District are all entitled to the favorable attention of Congress. The Reform School needs additional buildings and teachers. Appropriations which will place all of these institutions in a condition to become models of usefulness and beneficence, will be regarded by the country as liberality wisely bestowed.

The commissioners, with evident justice, request attention to the discrimination made by Congress against the District in the donation of land for the support of the public schools, and ask that the same liberality that has been shown to the inhabitants of the various States and Territories of the United States, may be extended to the District of Columbia.

The commissioners also invite attention to the damage inflicted upon public and private interests by the present location of the depots and switching-tracks of the several railroads entering the city, and ask for legislation looking to their removal. The recommendations and suggestions contained in the report will, I trust, receive the careful consideration of Congress.

Sufficient time has, perhaps, not elapsed since the reorganization of the government of the District, under the recent legislation of Congress, for the expression of a confident opinion as to its successful operation; but the practical results already attained are so satisfactory that the friends of the new government may well urge upon Congress the wisdom of its continuance, without essential modification, until, by actual experience, its advantages and defects may be more fully ascertained.

R. B. HAYES.

EXECUTIVE MANSION, *December 2, 1878.*

---

# FOREIGN RELATIONS.

---



# LIST OF PAPERS, WITH THEIR SUBJECTS.

## CIRCULARS.

No.	From whom and to whom.	Date.	Subject.	Page.
1	Mr. Seward to the consular officers in Great Britain, France, Switzerland, Belgium, Italy, Austria, and Germany.	1878. Mar. 18	Requiring reports showing the prices at which actual sales are made within their several districts, to other countries, of the leading articles of export to the United States. In the case of staple goods, the reports should show the value of raw materials, cost of labor, and whole cost of manufacture.	1
2	Mr. Seward to consular officers in Great Britain, France, Germany, Belgium, Italy, Spain, the Netherlands, Sweden and Norway, and Denmark.	Apr. 11	Requiring reports as to rates of wages; cost of living of laboring classes; relative rates for five years past; state of trade; character of circulating medium; relation born by paper to coin; business habits and systems.	2
3	Mr. Seward to consular officers in Great Britain, France, Switzerland, Italy, Austria, Belgium, and Germany.	Apr. 15	Requiring that samples of goods exported to the United States shall be sent to the proper customs officers at the port of final destination of goods, instead of to those at the port of first arrival.	2
4	Mr. Seward to diplomatic and consular officers at sea-ports.	Aug. 21	Requiring sanitary and commercial reports for the use of the Surgeon-General of the Marine-Hospital Service.	3
5	Mr. Evarts to consular officers.	Sept. 23	Requiring consular officers to exercise vigilance in the inspection of all American vessels engaged in the coalle trade arriving at their ports.	3

## DIPLOMATIC CORRESPONDENCE.

### ARGENTINE REPUBLIC.

1	Mr. Osborn to Mr. Evarts	1877. Sept. 12	Revolution in province of San Juan: Government troops to sustain the governor of the province: partisans of D. C. Sarmento engaged in the revolution.	5
2	do	Sept. 18	Mail and telegraph service: 4,530 miles of wire, partly owned by government: 7,500,000 letters and papers sent through the mails during the current year; service not self-sustaining.	6
3	do	Sept. 19	Strength of the army, 12,300 men; of the navy, 31 vessels of war; commercial marine, 1,562 vessels, with aggregate tonnage of 43,000 tons; Indian frontier less troubled. Attention called to the deep-water channel up the Parana and Uruguay Rivers surveyed by Capt. Hunter Davidson.	6
4	do	Oct. 3	Congress adjourns: Bills passed establishing a mint at Buenos Ayres to coin gold and silver; abolishing the old Spanish system of weights and measures and adopting the decimal system; and granting aid to the Trans-Andino Railway.	7
5	do	Oct. 8	Amnesty accepted by revolutionists of 1874: General Mitre and other officers restored to the army: changes in the cabinet in consequence.	8
6	do	1878. Mar. 5	Boundary dispute with Chili still unsettled: The surrender of the Sandy Point mutineers to Chili refused: their trial for the murder of some of their comrades while in Argentine territory ordered.	9
7	do	Mar. 14	Revolution in Corrientes: Governor Durqui to be sustained: rebels defeat state troops; propose a compromise in the nature of a new election: reconciliation with the Mitre party not so complete as supposed; rumored trouble in Santa Fe.	10

## ARGENTINE REPUBLIC—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
8	Mr. Osborn to Mr. Evarts....	1878. Mar. 23	Revolution in Corrientes over: April 1, the Argentine Republic enters Postal Union under treaty of Berne.	11
9	.....do.....	Apr. 26	Crisis in the cabinet: Representatives of the Mitre party withdraw; trouble apprehended; revolutionary movements in Corrientes and Santa Fé.	12
10	.....do.....	May 14	The President opens Congress: Foreign relations satisfactory; the boundary dispute with Chili to be submitted to arbitration; peace restored to the country; national debt, \$61,277,802; reduction during the year, \$4,000,000; finances in a satisfactory condition; immigration maintains its volume.	13
11	Mr. Garcia to Mr. Evarts....	1877. Nov. 29	Asking attention to dispatches from his government respecting the reconciliation effected with the revolutionary party; intimating that the boundary question with Chili will be amicably settled; and expressing the hope that friendly relations with the United States may be maintained.	14
12	Mr. Evarts to Mr. Garcia....	Dec. 7	Reciprocating the friendly sentiments expressed in the above note.	15
13	Mr. Garcia to Mr. Evarts....	1878. Mar. 23	Requesting the appointment of March 25 to deliver the memorial, documents, charts, and books relating to the boundary question with Paraguay, to the President, to whose arbitration it has been submitted.	16
14	Mr. Evarts to Mr. Garcia....	Mar. 23	Acceding to the above request.....	16
15	Mr. Garcia to Mr. Evarts....	Mar. 25	Submitting papers in the arbitration.....	17
16	Mr. Evarts to Mr. Garcia....	Mar. 30	Acknowledging their receipt.....	18
17	.....do.....	Nov. 12	The question determined in favor of Paraguay....	18
18	Mr. Garcia to Mr. Evarts....	Nov. 12	Acknowledging the receipt of the award.....	18

## AUSTRIA-HUNGARY.

19	Mr. Kasson to Mr. Evarts....	1877. Nov. 10	Disastrous effect of the free-trade treaty with Germany upon Austrian industry: The treaty denounced; a new tariff proposed: effect of the silver standard upon customs receipts; and of the suspension of specie payments upon national industry: conclusions based upon present industrial and commercial conditions; that customs duties should be collected in the best and least variable standard money; that customs barriers should be sufficiently high to protect domestic industry; that the "most favored nation" clause is the safest basis for commercial treaties; that for special relations and countries, "reciprocity treaties" may afford means for the development of special interests. (See dispatch March 4, 1878.)	19
20	.....do.....	Dec. 14	Meeting of the "Delegations," the common legislature of the empire: The organization of the Austro-Hungarian Empire illustrated: the Eastern question: a revision of treaties to be the result of the war: the three Emperors acting in unison; Count Andrassy explains the policy of Austria to be "the protection of Austrian interests."	24
21	.....do.....	Dec. 23	Detailed statement of the debt of the Austro-Hungarian Empire; and of Austria and Hungary.	26
22	.....do.....	1878. Jan. 30	The effect of the dual organization of the empire respecting questions of taxation. A ministerial crisis the result of disagreement between the Delegations.	29
23	.....do.....	Feb. 21	The currency of the empire based upon silver: specie payments suspended in 1848; never since resumed; no prospect of resumption: statement of paper circulation; no specie reserve against government issue; paper depreciated; no specie in circulation: government compelled to buy	30

## AUSTRIA-HUNGARY—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
		1878.		
			silver in excess of customs receipts; debt bearing silver interest chiefly held abroad; views of Baron von Hoffman; gold ultimately to be the standard; the present relationship susceptible of establishment by international agreement; without such agreement, countries of the higher standard will absorb the better money.	
24	Mr. Kasson to Mr. Evarts...	Mar. 4	Tendency of legislation in the direction of higher duties: Free-trade theories giving place to those of protection; extract from proposed French tariff; the danger to our industries from this movement in Europe, respecting a home tendency toward free trade. (See Mr. Noyes's dispatch of March 28, 1878.)	32
25	.....do.....	Mar. 8	The desirability of a common unit of money for international account and use: The submission of the question to the monetary conference suggested.	34
26	.....do.....	Mar. 30	Forwarding map of Turkey as affected by the treaty of San Stefano: Uneasy feeling respecting war between England and Russia; the aims of England in the Levant. (See Mr. Maynard's dispatches of April 3 and 29.)	34
27	.....do.....	Apr. 9	Invitation to monetary conference given	35
28	.....do.....	May 8	Austrian intervention in Bosnia probable. Efforts to maintain peace; positive gains made by England in consequence of her decided policy. Diplomats reticent.	36
29	.....do.....	May 14	Appeal from Mussulmans of Silistria. Turkey the field of diplomatic intrigue; dissatisfaction with the treaty of San Stefano.	38
30	.....do.....	May 19	Count Schouvaloff's mission thought to have been successful; the meeting of the congress probable; interest manifested in our ability to maintain strict neutrality in the event of war; the effect of the "three rules" clause of the treaty of Washington, and the right to buy ships and munitions of war in our ports, pending hostilities, discussed.	39
31	.....do.....	June 1	Hungary accepts invitation to monetary conference.	41
32	.....do.....	June 5	Suggesting that the recognition of Roumanian independence should be conditioned upon the accordance of equality of rights to the Jews.	42
33	Mr. Evarts to Mr. Kasson...	June 18	Monetary conference to be held at Paris: Invitation accepted by leading powers.	43
34	Mr. Kasson to Mr. Evarts...	June 29	Constitutional questions, until recently pending between Austria and Hungary, adjusted. Customs tariff to be raised; Austrian Bank debt to be assumed; quota of each toward national expenses determined. The Imperial Government strengthened by the agreement.	44
35	.....do.....	June 30	Austrian policy respecting the Eastern question based upon two principles: Hostility to Slavic influence; and the extension of commercial relations. Her action at Berlin to be guided by these principles. Bosnian occupation the first step. Austria supported by England. Results of the policy. Influence of existing railways.	44
36	.....do.....	July 13	The Shah of Persia visits Austria: Changed for the better since his last visit; more inclined to adopt Western ideas; accompanied by his chiefs of administration; Austrian mission to be established in Persia; trade statistics; chance of introducing American products into Persia; a favorable commercial treaty could be negotiated; foreign trade of Persia estimated at \$18,000,000 per annum.	46
37	.....do.....	July 13	Invitation to monetary conference accepted	48
38	.....do.....	July 24	Same subject: Programme of proceedings desirable.	49
39	.....do.....	Aug. 3	Treaty of Berlin: Items, Bulgaria, autonomy conceded, with right to negotiate; treaties to remain in force: Roumania, independence granted, with full treaty-making power: Servia, existing treaties in force: Montenegro, independence granted, but commercial association with Austria established. Necessity for consular representatives at Bucharest, Belgrade, Antivari, and other points indicated. A thorough examination of existing treaties recommended. For text of treaty see Mr. Maynard's dispatch, September 28.	50

## AUSTRIA-HUNGARY—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
		1878.		
40	Mr. Evarts to Mr. Kasson ..	Aug. 5	Monetary conference to adopt its own programme.	51
41	.....do .....	Aug. 5	The same repeated	52
42	Mr. Kasson to Mr. Evarts ..	Aug. 27	General Grant visits Vienna: Is received by and dines with the Emperor. Official and other attentions.	52
43	.....do .....	Sept. 30	Bosnian occupation: Austrian army 125,000 men. Character of the population. Semi-independence of the Bega under Turkish rule; prospects of pacification.	53

## BELGIUM.

		1878.		
44	Mr. Wilson to Mr. Evarts ..	Apr. 7	Invitation to monetary conference given .....	54
45	.....do .....	Apr. 15	The Eastern question: A credit of 10,500,000 francs granted: Belgium prepared for eventualities.	55
46	Mr. Goodloe to Mr. Evarts ..	June 14	Early answer to invitation to monetary conference.	56
47	.....do .....	June 21	Change of ministry .....	56
48	.....do .....	June 28	Detailed account of election: Ministry defeated, and resign; liberals successful; new ministry formed. (See dispatch June 21.)	57
49	.....do .....	June 26	Invitation to monetary conference accepted .....	59
50	.....do .....	July 12	Same subject: Paris approved as place of meeting.	60

## BRAZIL.

		1877.		
51	Mr. Hilliard to Mr. Evarts ..	Nov. 6	Trade with Brazil: We import largely from, but export little to Brazil; American products are shipped to, and sold in, England, reshipped to Brazil, and resold at advanced rates; steamship lines established with Europe, but none with the United States; the need of such line indicated; the Emperor favors its establishment.	60
52	.....do .....	Nov. 14	Contract for monthly steamers to the United States entered into: Mail subsidy of \$100,000 for ten years granted by Brazil; the question determined by the intervention of the Emperor; increased steam communication with Brazil recommended to attention of Congress.	61
53	.....do .....	Dec. 31	Resignation of the ministry: Parliament not in session; temporary appointments to be made; American influence extending.	62
		1878.		
54	.....do .....	Jan. 16	Liberal ministry formed: Probable dissolution of Parliament; discussion of political affairs.	63
55	.....do .....	May 23	Interest manifested in new steamship line: First shipment of coffee will be at least 30,000 sacks; Brazilian trade may be secured by extending the facilities of intercommunication.	66
56	.....do .....	June 7	Arrival of the City of Rio: Ceremonies upon the occasion of the visit of the Emperor and empress; return cargo, 37,000 sacks of coffee, valued at \$700,000; the largest and most valuable single cargo ever shipped from Brazil.	67
57	Mr. Seward to Mr. Borges ..	Apr. 30	Requesting a letter commending the commander of the Madeira River surveying party to the consideration of the authorities of Para.	70
58	.....do .....	July 17	Inviting suggestions relative to a common mode and form of procedure respecting consular certifications to port clearances.	71

## CENTRAL AMERICA.

		1877.		
59	Mr. Williamson to Mr. Evarts	Oct. 10	The assassination of President Barrios of Guatemala attempted: Death of the priest, Felix Pajes, who made the attempt.	73
60	.....do .....	Oct. 20	Liberty of the press decreed in Guatemala: Comments upon the mode of death of Pajes thought to have influenced its issuance.	74

## CENTRAL AMERICA—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
61	Mr. Williamson to Mr. Evarts	1877. Oct. 20	Herrera retires from the Presidency of Costa Rica in favor of Ex-President Guardia; election of deputies decreed.	75
62	.....do.....	1878. Jan. 14	Guatemala reduces the duty on flour \$1 per quintal, or one cent per pound.	75
63	.....do.....	Jan. 18	Costa Rica breaks off relations with Guatemala: Copies of papers from Costa Rica.	76
64	.....do.....	Feb. 18	Ex-President Medina of Honduras, and Marin of Salvador, shot by order of President Soto.	79
65	.....do.....	Sept. 2	Peace throughout Central America: Friendly relations restored between Nicaragua and Costa Rica: crops good; large coffee crop.	80

## CHILI.

66	Mr. Osborn to Mr. Evarts	1877. Oct. 8	Ceremonies upon the delivery of the awards of the Centennial Exposition.	80
67	.....do.....	1878. Jan. 24	Commander Rodgers's action respecting the Punta Arenas revolt approved; no more convicts to be sent to that settlement; claims commission appointed.	82
68	.....do.....	Jan. 31	Adjournment of Congress: commercial depression continues: state of the finances unsatisfactory; deficits, for 1876, \$2,000,000; for 1877, \$3,000,000; probable deficit for current year, \$2,000,000; bonds issued to meet deficits: commission of inquiry appointed.	83
69	.....do.....	Mar. 1	Inquiry as to the effect upon our relations with Chili of her notice of 1849 to terminate certain clauses of the treaty of 1832; the present a favorable time for the negotiation of a commercial treaty.	85
70	.....do.....	Mar. 9	Probability of the submission of the Argentine boundary question to the arbitration of the King of the Belgians.	86
71	Mr. Evarts to Mr. Osborn	.....	The effect of the notice of 1849 is full and complete in respect of all clauses of the treaty of 1832, except those relating to peace and friendship: Should Chili favor the negotiation of a new treaty, power to negotiate will be granted.	87
72	Mr. Osborn to Mr. Evarts	Apr. 18	Account of the earthquake of May 9, 1877.	89
73	.....do.....	June 5	Congress opened by the President: Financial statement unsatisfactory: income tax, and increase of duties, recommended: imports and exports show a falling off; work upon the code, and upon coast and interior surveys, progressing satisfactorily; public education liberally maintained.	91
74	.....do.....	Oct. 24	Pitcairn's Island, and its population	93

## CHINA.

75	Mr. Seward to Mr. Evarts	1877. Sept. 22	Currency circulation in China regulated by custom: the premium independent of intrinsic value: the Mexican dollar received for customs at market rate; the trade dollar at rates established by proclamation; suggestions for extending its circulation.	93
76	Mr. Evarts to Mr. Seward	Nov. 14	May join colleagues in representing the inadvisability of discontinuing the Woosung Railway.	94
77	Mr. Seward to Mr. Evarts	Dec. 21	The Woosung Railway used by large numbers of Chinese before its destruction; an impression of the value of railways made: The famine, and the insufficiency of transportation will increase this impression: The railway future discussed.	95
78	.....do.....	1878. Jan. 10	The good offices of the United States requested by China in respect of the execution of her treaty with Spain regulating the treatment of the Chinese in Cuba: Text, and full analysis of the treaty.	96



## CHINA—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
79	Mr. Seward to Mr. Evarts	1878. Feb. 7	No steps taken to establish a mint: Coined silver circulates at a premium over bullion; custom maintains premium on Mexican dollars; inquiry instituted as to methods of increasing circulation of trade-dollar.	101
80	do	Feb. 8	Common effort to be made by consuls at Shanghai to maintain the <i>status quo</i> respecting the Woo-sung telegraph.	102
81	do	Feb. 9	Shanghai harbor protection rules submitted to diplomatic corps: Question raised as to competency of China to establish regulations independent of foreign representatives; a survey of the harbor desirable.	103
82	do	Feb. 23	Same subject: Chinese note of submission amended; rules approved; consuls instructed; the question of harbor conservation discussed.	105
83	do	Mar. 4	Changes in the approaches to Shanghai: Consuls to collect harbor data for submission by their governments to competent engineers.	107
84	do	Mar. 14	Report upon the famine in Shansi, Chihli, Shantung, Shensi, Honan, Szechuen, and Kansu: sixty million people suffering from high price of food; actual famine pressing upon districts with a population of ten million; the missionaries active in rendering aid.	109
85	do	Mar. 22	The viceroy of Tientsin grants concession to Mr. Tong-King-Sing to mine coal and iron and build service-railway in Chihli: report upon mineral resources.	122
86	do	Mar. 22	Treaty revision discussed: Inequality of rights enjoyed by Chinese in America and of Americans in China; question submitted as to whether the time has not come to remove, or at least modify, this inequality by negotiation.	129
87	Mr. Holcombe to Mr. Evarts	June 20	Imprisonment of M <sup>onsieur</sup> Ridet, French bishop, by the Koreans; war with Japan apprehended by Corea.	131
88	do	June 24	Extended memorandum upon the currency of China by Mr. Seward.	132
89	do	June 25	Letter of thanks of the Shanghai chamber of commerce to Mr. Seward.	140
90	do	June 26	Letter conveying the thanks of the President of Peru to Mr. Seward.	140
91	do	July 1	Trade-dollar only circulates at Amoy, Canton, Foo-Chow, Swatow, and the Formosan ports: official action of little value to increase circulation; attention called to practice of "chopping" or mutilation; report of consuls.	141
92	do	July 2	Modifications in the Yangtze River trade regulations.	146
93	do	July 2	Mr. Comly's request for intervention in behalf of two Chinese subjects arrested upon the charge of illegally transporting Chinese to Hawaii complied with.	148
94	do	July 3	Ch'ng How, senior vice-president board of civil office, appointed minister to Russia.	150

## COLOMBIA.

95	Mr. Evarts to Mr. Dichman	1878. Nov. 12	The case of C. G. Scrafford, released by order of the Colombian Government from the legal custody of a United States officer while being transported across the Isthmus of Panama, <i>en route</i> from Peru to the United States: Negotiations for an extradition treaty with Colombia, with a clause providing for the rearrest of Scrafford, to be entered upon; correspondence in the case. (See report of Royal Commission upon Extradition: Mr. Welsh's dispatch of June 22.)	151
----	---------------------------	------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----

## DENMARK.

No.	From whom and to whom.	Date.	Subject.	Page.
		1877.		
96	Mr. Cramer to Mr. Evarts ..	Aug. 18	Disagreement between the two houses of the Rigsdag upon a financial law: Provisional law decreed by the King; political dissatisfaction; the inhabitants of cities generally conservative; the peasants radical.	155
97	.....do .....	Nov. 20	Same subject: Cause of trouble, the desire of the opposition to introduce the practice of ministerial responsibility to the chambers.	156
		1878.		
98	.....do .....	Mar. 1	Danish troops not to occupy Schleswig .....	157
99	.....do .....	Apr. 3	The Rigsdag adjourned: Financial law passed .....	158
100	.....do .....	May 10	Denmark to remain neutral in the event of war: Sympathy of people with Russia; army concentrated near the capital; launch of the iron-clad Helgoland; navy to be held in readiness.	159
101	.....do .....	Nov. 4	The negro revolt in Santa Cruz: 43 out of 80 plantations destroyed; Frederickssted greatly injured; revolt caused by reduction of wages at annual period of rehiring.	160

## FRANCE.

		1877.		
102	Mr. Noyes to Mr. Evarts ....	Oct. 19	Election for deputies passed off quietly: Government defeated; Bonapartists make largest relative gains; a ministry from the "left" will be constituted.	161
103	.....do .....	Nov. 9	Resignations of ministry refused by the President: A change inevitable.	162
104	.....do .....	Nov. 16	The conduct of the recent elections to be inquired into by the chambers: The people restless; business paralyzed.	163
105	.....do .....	Nov. 16	Ministers again resign: Resignations to be accepted.	163
106	.....do .....	Nov. 30	A reconstitution of the ministry will end the crisis: Peaceful measures prevail; interview of the Duke d'Audiffret Pasquier with the President; Dufaure, Leon Say, Waddington, and Leon Renault will enter the ministry.	164
107	Mr. Evarts to Mr. Noyes ....	Dec. 5	The thanks of the United States to be conveyed to Captain Aube, of the French man-of-war Le Seignelay, for assistance rendered the consul at Apia, Samoa.	165
108	Mr. Noyes to Mr. Evarts ....	Dec. 7	The Dufaure cabinet to be constituted upon the principle of responsibility to the chambers: Ministers to have the right of removal from office; effect of the bureaucratic spirit.	166
109	.....do .....	Dec. 14	Mr. Waddington appointed minister of foreign affairs, and Mr. Leon Say minister of finance.	167
110	Mr. Seward to Mr. Noyes ....	Dec. 19	Invitation to participate in the Paris Exposition accepted: Mr. McCormick appointed commissioner-general.	168
111	Mr. Noyes to Mr. Evarts ....	Dec. 21	The President accepts the result of the elections as the judgment of the people in favor of parliamentary government with ministerial responsibility.	169
112	.....do .....	Dec. 28	Invitation to Paris Exposition accepted .....	169
		1878.		
113	.....do .....	Jan. 11	Note from Mr. Waddington relative to the appointment of Mr. McCormick.	169
114	.....do .....	Mar. 28	Tariff revision receiving attention: Prior to 1860, France was protectionist; since 1860, the French tariff has been twofold in character, conventional, i. e., regulated by special commercial treaties, and general and retaliatory in respect of the products of nations having no tariff treaties with her. The policy of the new bill is retaliative, i. e., the duties imposed are protective, with the reservation that its stipulations may be modified by treaty stipulation. The growth of protectionist ideas and theories in Europe recognized. (See Mr. Kasson's dispatches of November 10, 1877, and March 4, 1878.)	170
115	.....do .....	Apr. 5	France to consult members of Latin Union: Probability of acceptance of invitation to monetary conference.	172

## FRANCE—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
		1878.		
116	Mr. Noyes to Mr. Evarts	Apr. 26	Report of Dr. William E. Johnston upon the organization and plan of operation of the international commission for the exchange of works of science.	173
117	do	May 31	France has assent of all members of Latin Union but Italy to join in monetary conference.	175
118	Mr. Hitt to Mr. Evarts	June 9	France and Italy accept; Paris suggested as place of meeting.	175
119	Mr. Evarts to Mr. Noyes	June 10	Smithsonian system of exchanges explained; Mr. Noyes to act with international commission.	175
120	Mr. Hitt to Mr. Evarts	June 13	Members of Latin Union accept invitation to conference; United States to propose time of meeting.	176
121	do	June 14	Same subject: Report: invitation of France to meet at Paris.	176
122	Mr. Evarts to Mr. Hitt	June 28	Diplomatic representatives in Europe to be informed that conference will meet in Paris August 10.	176
123	Mr. Hitt to Mr. Evarts	July 17	Asking if France shall be requested to issue invitations to the conference.	178
124	Mr. Evarts to Mr. Hitt	July 19	Same subject: Request to be made	179
125	Mr. Hitt to Mr. Evarts	July 19	Same subject: Arrangements for meeting of conference.	179
126	Mr. Noyes to Mr. Evarts	Aug. 9	Asking if the Smithsonian Institution will represent the United States in International Commission of Exchanges.	180
127	do	Sept. 19	\$6,000 contributed for yellow-fever sufferers.	181
128	do	Sept. 20	American exhibit at exposition highly creditable; shall receive more prizes relatively than any other country; Mr. McCormick's management satisfactory.	181
129	do	Sept. 24	\$4,000 additional for yellow-fever fund.	182
130	do	Sept. 27	Report of fund; list of contributors; total to date about 60,000 francs.	182
131	Mr. Evarts to Mr. Noyes	Sept. 28	Treasury circular as to customs duties upon tourists' effects.	184
132	Mr. Noyes to Mr. Evarts	Oct. 11	Additional list of contributors to yellow-fever fund.	189
133	do	Oct. 17	\$4,000 additional for yellow-fever fund	190
134	do	Oct. 25	Additional list of contributors to yellow-fever fund.	190
135	do	Nov. 14	Final list of contributors to fund; 82,718.70 francs sent through Mr. Noyes; grand total from France about 150,000 francs.	191
136	Mr. Outrey to Mr. Evarts	Jan. 14	Respecting the refusal of the captain of an American vessel to transport from Guluana to Salem, Massachusetts, persons released from imprisonment, and asking copies of State or national laws upon the subject.	192
137	Mr. Evarts to Mr. Outrey	Jan. 23	Inclosing extract from statutes of Massachusetts, and copy of act of Congress of March 3, 1875, forbidding such transportation.	193

## GERMANY.

		1878.		
138	Mr. Everett to Mr. Evarts	Feb. 25	Prince Bismarck's speech in the Reichstag, February 19, respecting the Eastern question; Germany's position that of mediator; the meeting of the congress probable.	195
139	do	Mar. 4	Measures to reorganize the imperial chancery and to revise taxation to increase revenue, discussed by the Reichstag; the budget for 1878-79.	202
140	do	Mar. 11	The budget debate continues; the appointment of Mr. Taylor gives satisfaction; the veto of the silver bill favorably commented on.	204
141	do	Mar. 18	The chancery substitution bill passed; report upon emigration; aggregate from ports of Hamburg and Bremen for current year, 41,759.	204
142	do	Mar. 28	The celebration of the Emperor's birthday	205
143	do	Apr. 8	Prussian Diet closed; ministerial changes; comments upon Lord Salisbury's circular of April 1; the meeting of the congress probable.	209
144	Mr. Seward to Mr. Everett	Apr. 30	The case of Julius Baumer, a naturalized citizen, arrested in contravention of the treaty of 1868, while upon a visit to his former home in Westphalia, to be called to the attention of the German Government and reparation asked.	210

## GERMANY—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
		1878.		
145	Mr. Taylor to Mr. Evarts...	May 25	The government bill to suppress social democratic demonstrations lost in the Reichstag by a vote of 57 to 251; the political effect of the attempt upon the Emperor's life discussed; the resignation of Doctor Falk.	212
146	Mr. Evarts to Mr. Taylor...	June 3	The congratulations of the President upon the escape of the Emperor from assassination.	214
147	Mr. Taylor to Mr. Evarts...	June 5	The Emperor's condition not one of immediate danger; the regency of the Crown Prince anticipated; the congress to meet in Berlin.	214
148	do .....	June 10	The regency of the Crown Prince; Dr. Falk withdraws his resignation; the Prussian Government proposes the dissolution of the Reichstag; the proposition will be acceded to by the imperial council; the belief in a widespread conspiracy against society on the part of the socialists, prevails.	215
149	do .....	June 12	The thanks of the Crown Prince for the congratulations of the President.	216
150	do .....	June 13	Cases of Ganzemüller and Weil, naturalized citizens: Ordered to leave Baden, because their exemption from military service as American citizens, was of bad influence; action taken under Baden law; protest of legation; report of Consul Smith, and note of Mr. Von Bülow. (See dispatch, August 7.)	216
151	do .....	June 17	The congress convenes; England offers to withdraw her fleet if Russia will withdraw her army; attitude of Austria undeveloped; confidence in the maintenance of peace; Mr. Taylor received by Prince Bismarck.	221
152	do .....	July 1	General Grant visits Berlin; is received and dines with the Crown Prince; a military review held in his honor; Mr. Taylor's audience with the empress; Prince Bismarck and General Grant; Mr. Coleman's retention requested.	223
153	do .....	July 5	Case of Willmék: May return to Germany under "two years" clause of treaty; must be provided with documents to establish character and identity.	225
154	do .....	July 15	The treaty of Berlin: No permanent basis of peace established; religious liberty accorded to Roumania, Bulgaria, and Roumelia.	227
155	do .....	July 15	Case of Julius Baumer: May return to Germany under "two years" clause of treaty; Germany declines to make compensation.	228
156	do .....	Aug. 7	The case of Ganzemüller: His last letter claiming citizenship and protection of legation, dated June 12; case settled by his applying the next day, June 13, for Baden citizenship. Analogous cases; correspondence; trouble occasioned by failure of naturalized citizens to observe local regulations applicable alike to natives and foreigners. (See following dispatch.)	229
157	do .....	Sept. 27	Naturalization cases: The settlement of just claims complicated by unwarrantable ones; treaty stipulations observed; naturalization often sought as a means of protection from military service; the necessity for the test of intention clause of treaty, i. e., the "two years" clause, demonstrated.	232
158	Mr. Evarts to Mr. Taylor...	Oct. 19	Action of Germany in naturalization cases occasions satisfaction; the Willmék case.	233
159	Mr. Von Schlozer to Mr. Evarts.	Apr. 8	Requesting a limitation of consular demand for samples of goods shipped to the United States; and that consuls shall not allow inspection of samples deposited with them.	234
160	Mr. Seward to Mr. Von Schlozer.	May 1	Consuls will be instructed not to permit inspection of samples; Treasury regulations as to samples.	235
161	Mr. Von Schlozer to Mr. Evarts.	Oct. 18	Contribution of German Emperor to yellow-fever fund.	236
162	Mr. Evarts to Mr. Von Schlozer.		The thanks of the President to the Emperor .....	236

## GREAT BRITAIN.

		1877.		
163	Mr. Pierrepont to Mr. Evarts	Oct. 25	A trade-mark convention with Great Britain concluded.	237
164	Mr. Evarts to Mr. Pierrepont	Oct. 26	Authorizing Mr. Pierrepont to attend telegraph conference.	237

## GREAT BRITAIN—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
		1877.		
165	Mr. Pierrepont to Mr. Evarts	Nov. 15	Reply of the lords of the treasury to Mr. Eaton's request for opinions respecting the result of the change in method of appointment to the civil service. The change still in progress. The limitations and conditions under which the principle of competition ought to be applied cannot be said to have been placed beyond question. The practical permanence of tenure (although legally at pleasure) of office, as well deserving of attention as the rules of admission to the service. The competitive system more generally introduced into the Indian service than into any of the other great services. The questions proposed appear to be such as could only be answered by politicians in a parliamentary debate.	237
166	.....do.....	Dec. 5	Editorial from the Times of December 5 upon the Eastern question.	239
167	.....do.....	Dec. 22	Mr. Welsh arrives in London the 12th; is introduced to Lord Derby on the 14th, and has an audience of the Queen at Windsor on the 22d; on which occasion Mr. Pierrepont took leave.	241
		1878.		
168	Mr. Welsh to Mr. Evarts	Jan. 18	Parliament opened. The Queen's speech read by the lord chancellor.	242
169	.....do.....	Feb. 16	The Franconia-Strath Clyde case: Collision, with loss of life, off Dover, within two miles and a half of land; master of Franconia tried for manslaughter; convicted; judgment quashed upon appeal—the Lord Chief Justice, with majority of court, holding that no action would lie because no jurisdiction to try causes arising below low-water mark, and within area of territorial waters, had been conferred by Parliament; territorial waters, below low-water mark, outside the area of common-law jurisdiction, yet within the nation; act of Parliament required to give jurisdiction; speech of Lord Cairns introducing bill to confer jurisdiction; territorial waters defined to be national waters within cannon-shot, or one marine league, of shore; American and European authorities cited.	245
170	.....do.....	Mar. 15	Inclosing and commending a report by Mr. Nadal upon the organization of the British diplomatic service.	351
171	.....do.....	Mar. 29	The refusal of British consul at Tamatave, Madagascar, to entertain complaints of Americans against British subjects, due to treaty restrictions upon his jurisdiction; Great Britain willing to consider proposals for enlargement of consular jurisdiction.	257
172	Mr. Evarts to Mr. Welsh	Apr. 2	Case of E. O'M. Condon to be brought to attention of British Government.	258
173	Mr. Welsh to Mr. Evarts	Apr. 4	The Eastern question: Lords Carnarvon and Derby retire from the cabinet; Lord Salisbury appointed minister for foreign affairs; his circular dispatch defining the position of Great Britain respecting the treaty of San Stefano; the ministry firm and united; a sentiment of uneasiness prevails. (See Mr. Maynard's dispatches April 3 and 29.)	259
174	.....do.....	Apr. 15	Inquiring if representation at monetary conference will commit Great Britain to double standard.	264
175	Mr. Evarts to Mr. Welsh	Apr. 16	Attendance commits to no special line of policy.	264
176	Mr. Welsh to Mr. Evarts	June 14	May conference consider standards of currency with view to adoption of a uniform and universal system.	264
177	.....do.....	June 15	Liberian boundary commission not to meet until after rainy season.	365
178	.....do.....	June 22	Qualified acceptance of invitation to monetary conference.	266
179	.....do.....	June 22	Report of royal commission upon extradition: Extradition founded upon two principles—common interest, to insure punishment of crime, and local interest, to be freed from the presence of the criminal; extradition should be granted whether there be extradition treaty or not with demanding nation; treaties desirable to regulate form of procedure, to list crimes, and to save from extradition offenders of a purely political character; the same reason holds for the extra-	269

## GREAT BRITAIN—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
		1878.		
			dition of subjects accused of crimes in foreign countries as for the extradition of foreign criminals; surrender should be made upon the making out of a <i>prima-facie</i> case; accused should have right to bring his case before a magistrate; extradited criminals <i>in transitu</i> should not be liberated; suggestions for modifications of laws. (See Mr. Everts's instruction to Mr. Dichman of November 12.)	
180	Mr. Everts to Mr. Welsh	July 1	The case of E. O'M. Condon to be reopened	278
181	Mr. Welsh to Mr. Everts	July 2	Invitation to monetary conference accepted	279
182	Mr. Everts to Mr. Welsh	July 24	Instructions as to case of E. O'M. Condon	280
183	Mr. Welsh to Mr. Everts	Aug. 13	The Liberian minister requests American co-operation in building a railway from the coast to the high lands of Liberia. The advantages to our commerce of developing the rich agricultural land back from the coast pointed out; the subject commended to the consideration of Congress.	281
184	do	Aug. 17	Condon's pardon probable	283
185	do	Aug. 21	Cabinet will recommend Condon's pardon	284
186	do	Aug. 24	Inclosing Lord Salisbury's note and Captain Sullivan's report upon the fishery outrages upon the coast of Newfoundland.	284
187	do	Aug. 27	Condon and Melody to be pardoned	285
188	Mr. Seward to Mr. Welsh	Sept. 2	Mr. Blyden's letter requesting American cooperation in building a railway in Liberia to be submitted to Congress.	287
189	Mr. Seward to Mr. Hoppin	Sept. 3	Approval of Mr. Welsh's conduct of the Condon case.	287
190	Mr. Hoppin to Mr. Everts	Sept. 11	Condon case: further correspondence	288
191	Mr. Everts to Mr. Welsh	Sept. 27	Reviewing the award of the fishery commission. The correspondence due to the desire to reach a complete understanding between the two governments as to the conformity of the award to the terms of the treaty of Washington. The protest to the award based upon the proposition that it transends the submission. By the treaty the United States surrendered no right previously held. Its fishery rights under the treaty of 1818, and its interpretation of the same, were maintained before the Joint High Commission. The rights secured by the Treaty of Washington were to be in addition to those already held. The scope of the arbitration was the determination of the value of a temporary possessory privilege in respect of the fisheries; and in forming their estimate of the value of such privilege, the commissioners were restricted to the measuring, as against privileges granted to the fishermen of the United States, concessions made by the United States in favor of Canadian fishermen under Articles XIX and XXI of the treaty, by which the right to fish in our waters, within certain limits, and to import into the United States free of duty, certain articles of great value in the commerce of the provinces, articles which hitherto were only admitted after the payment of a high rate of duty, were granted. The narrow scope of the arbitration: The record of the value, for certain periods, of the concession made by Great Britain; the record of the value of the duties remitted in respect of the concession made by the United States; and the nature of the catch, essentially limited to the inshore mackerel fisheries; taken in connection with the magnitude of the award, compel the conclusion that the award could only have been based upon other grounds than those of the submission. This view of the award and protest thereto, to be brought to the attention of the British Government in order that the position of the United States respecting its fishery rights may be understood, and that through its consideration a permanent and comprehensive settlement of the fishery interests of the two governments may be reached.	290

## GREAT BRITAIN—Continued.

No.	From whom and to whom.	Date	Subject.	Page.
192	Mr. Evarts to Mr. Welsh...	1878. Sept. 28	The injuries suffered by our fishing fleet at Fortune Bay discussed. The position that the treaty rights of American fishermen may be affected by local provincial legislation inadmissible. If it shall appear at any time necessary to formulate regulations respecting the enjoyment of such rights, such regulations can only be established by convention between the two governments.	308
193	Mr. Hoppin to Mr. Evarts...	Sept. 28	Condon case: Further correspondence .....	312
194	.....do.....	Sept. 28	The thanks of the Lords of the Admiralty for the reception accorded the British fleet at Newport.	313
195	Mr. Welsh to Mr. Evarts...	Nov. 1	Lord Salisbury to reply to Mr. Evarts's fishery dispatches: Extract from Daily Chronicle respecting the Fortune Bay outrage.	314
196	Mr. Evarts to Mr. Welsh...	Nov. 8	Form of notice and protest to be used in the event of the payment of the fishery award.	315
197	Mr. Welsh to Mr. Evarts...	Nov. 9	Reply of Lord Salisbury: The validity of the Halifax award maintained.	316
198	.....do.....	Nov. 9	Reply of Lord Salisbury to complaint in Fortune Bay fishery case: British sovereignty as regards those waters, is limited in its scope by the engagements of the Treaty of Washington, which cannot be modified or affected by any municipal legislation.	323
199	Mr. Evarts to Mr. Welsh...	Nov. 12	Receipt of above acknowledged .....	333
200	Mr. Welsh to Mr. Evarts...	Nov. 22	The Halifax award paid: the protest delivered to Lord Salisbury.	333
201	Mr. Jackson to Mr. Evarts...	1877. Dec. 5	Discussing the Halifax award .....	334
202	Sir E. Thornton to Mr. Evarts	Dec. 1	Indian Government offers prize for best machine for the preparation of ramie; competition open.	337
203	.....do.....	1878. Jan. 19	Inquiring if the United States would accept temporarily, boundary line between British Columbia and Alaska, in the Valley of the Stickine, as found by Canadian engineer. Report of survey.	339
204	.....do.....	Feb. 19	Movements of Sitting Bull: precautions taken by Canadian Government.	344
205	Mr. Evarts to Sir E. Thornton	Feb. 20	Alaska boundary line suggested by Sir Edward Thornton conditionally accepted: right of review reserved.	346
206	.....do.....	Mar. 2	American fishermen interfered with off coast of Newfoundland.	346
207	Sir E. Thornton to Mr. Evarts	Mar. 6	Provisional character of Alaska boundary line agreed to by Canada.	347
208	.....do.....	Apr. 18	Thanks of Government of New Zealand for salmon ova.	348
209	.....do.....	May 20	British Government institutes inquiries in relation to fishery troubles.	349
210	Mr. Evarts to Sir E. Thornton	June 17	Communicating information as to the trade in ammunition between the Montana Indians and the British Possessions.	349
211	Sir E. Thornton to Mr. Evarts	July 11	Requesting agreement upon rules and regulations for the transportation of dutiable merchandise between Canada and the United States, as provided for in Article XXX, Treaty of Washington.	350
212	Mr. Seward to Sir E. Thornton.	July 15	Inquiring if Canada will grant reciprocal right to American vessels to aid those wrecked or disabled in Canadian waters, which the United States is ready, by act of Congress, to accord to Canadian vessels in its waters.	351
213	Mr. Evarts to Sir E. Thornton	July 31	Changes in regulations under Article XXX, Treaty of Washington, to be announced by each government to the other. Transmitting amendments.	351
214	Mr. Seward to Sir E. Thornton.	Aug. 26	Case of tug Champion: Reciprocal action respecting disabled vessels desirable.	352
215	.....do.....	Aug. 27	Case of steamboat Nellie: Canadian customs regulations in conflict with clause of Treaty of Washington insuring free navigation of the Stickine.	352
216	Sir E. Thornton to Mr. Evarts	Sept. 16	Requesting acceptance of international sailing regulations for the prevention of collisions at sea, as submitted.	354
217	Mr. Seward to Sir E. Thornton.	Oct. 9	Same subject: Accepting regulations .....	355
218	Sir E. Thornton to Mr. Seward.	Oct. 12	Amendments to regulations under Article XXX, Treaty of Washington, accepted by Canada.	355
219	Mr. Seward to Sir E. Thornton.	Oct. 25	Requesting exemption from contagious diseases act, for American cattle: The law of the United States respecting importation of hides and cattle.	356

## GREAT BRITAIN—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
220	Mr. Everts to Sir E. Thornton	1877. Oct. 29	Regulations, as finally amended, under Article XXX, Treaty of Washington, accepted by the United States.	387
221	do	Oct. 31	An announcement as to the Stanford prize for best essay on hydrophobia, made through the press.	358

## GREECE.

222	Mr. Read to Mr. Everts	1877. Nov. 30	Trade report: Annual value Greek trade; imports, \$18,500,000; exports, \$11,400,000. Imports: Cotton and woolen goods, iron, hides, sugar, salt fish, grain, flour, petroleum.	358
223	do	Dec. 18	Aggregate of grain and flour in Athens December 6.	360
224	do	1878. Jan. 25	New ministry formed; its policy to be "national."	360
225	do	Jan. 26	Duty upon cotton-seed and cotton abolished	361
226	do	Jan. 29	War riot in Athens and Piræus: Houses of the ministry attacked; mob fired upon by soldiery, and return the fire; quiet restored; no disaffection to the King.	362
227	do	Feb. 2	The Marlon ordered to the Piræus: War between Greece and Turkey probable.	364
228	do	Feb. 5	The Greek army enters Epirus and Thessaly: Domestic trouble apprehended; the Piræus to be fortified; the national guard armed.	365
229	do	Feb. 5	Precaution taken to protect Americans and American interests in event of war.	365
230	do	Feb. 6	Greek troops to be withdrawn from Turkey	366
231	do	Mar. 9	General Grant's reception at the Piræus: Foreign fleets in harbor fire national salute; his entry into Athens; a public reception at both places.	366
232	do	Mar. 9	Account continued	368
233	do	Mar. 11	General Grant received by, and dines with, the King.	368
234	do	Mar. 12	Account continued	369
235	do	Mar. 13	The King visits the Vandalia: Is received by General Grant.	369
236	do	Mar. 14	Account continued	369
237	do	Mar. 15	Account continued: The enthusiasm manifested upon the arrival of General Grant continues throughout his visit.	370
238	do	Apr. 4	Excitement occasioned by the assassination of Mr. Ogle, an Englishman.	371
239	do	Apr. 11	The massacres at Macrinitzza: Mr. Ogle's funeral.	371
240	do	Apr. 12	The Marlon ordered to Volo	372
241	do	Apr. 12	Greece to attend monetary conference	372
242	do	Apr. 12	Same subject	372
243	do	Apr. 13	Condition of affairs critical; time ill-judged to withdraw mission.	373
244	do	May 23	Same subject: Importance of mission in Greece indicated.	374
245	do	June 20	Dissatisfaction with proceedings at Berlin: Greek interests disregarded; King and people united.	375
246	do	June 27	Greece admitted to the congress	375
247	Mr. Everts to Mr. Read	July 10	Regret expressed at omission of appropriation for mission: The ability and integrity with which Mr. Read has discharged various consular and diplomatic duties recognized by the department.	377
248	Mr. Read to Mr. Everts	July 13	Anxiety as to action at Berlin	377

## HAWAIIAN ISLANDS.

249	Mr. Comly to Mr. Everts	1877. Dec. 28	Admiral Murray and staff presented to the King.	378
250	do	Dec. 28	Trade report: Americans not taking advantage of reciprocity treaty. Although working against a differential duty, Englishmen are getting control of the trade; Hawaiian crops sold in the United States, but purchases made through European traders.	379
251	do	May 1	Parliament opened by the King: Speech favorable to American interests.	381



## HAWAIIAN ISLANDS—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
252	Mr. Comly to Mr. Everts ...	1878. July 8	England to waive claim to entry of goods on same conditions as specified in our reciprocity treaty, if differential duty shall not exceed 10 per cent., <i>ad valorem</i> ; Integrity of treaty endangered by proposition; Hawaiian Government not favorable to it; parliamentary reports upon the subject; hostility to treaty manifested; reports of envoys to England and Germany.	382
253	do .....	July 8	Change of ministry .....	405
254	Mr. Everts to Mr. Comly ...	Aug. 6	The position taken respecting claim of Great Britain and Germany to participate in benefits of reciprocity treaty approved.	405

## HAYTI.

255	Mr. Bassett to Mr. Everts ..	1877. Sept. 24	Relations between Hayti and San Domingo "badly defined"; proclamation of President Canal.	406
256	do .....	Oct. 23	Aid rendered to American crews of the General Marino, disabled, and General Maza, sunk, Columbian vessels.	408
257	do .....	Oct. 23	Mr. Faubert appointed minister to France .....	409
258	do .....	Oct. 23	Outbreaks at San Marc and Quatier Marin .....	409
259	Mr. Everts to Mr. Langston.	Nov. 7	Case of A. Nones & Co.: Excessive consular fee for the certification of invoices; the spirit of the treaty violated; The fee a discriminating duty; representations to be made to Hayti.	411
260	Mr. Langston to Mr. Everts.	Nov. 29	Peace prevails. Coffee crop a good one .....	412
261	do .....	Dec. 6	Revolutionary movements in San Domingo: President Baez able to sustain himself; three parties in the field.	414
262	do .....	Dec. 6	Consular-fee question brought to the attention of the government.	415
263	do .....	Dec. 22	Same subject: Tax held by Hayti to be a customs duty imposed to raise revenue; that it affects the commerce of all nations trading with Hayti alike; and that its imposition is within the national competency.	416
264	do .....	Dec. 22	The difficulty with Spain respecting the D'José Santisi case settled.	418
265	do .....	1878. Jan. 9	Consular-tax question: Answer to Haytian note; position of the United States reaffirmed.	427
266	do .....	Jan. 24	Same subject: British minister enters similar protest.	428
267	do .....	Mar. 18	Revolution at Port au Prince; suppressed by President Canal.	431
268	do .....	Mar. 26	Detailed account of the revolution at Port au Prince; Tanis and Chevalier its leaders.	431
269	do .....	Apr. 10	Same subject: Refugees in American legation, finally shipped to Kingston. Policy of "right of asylum" discussed; ill effect illustrated; it induces revolutionary movements, because it secures practical immunity to offenders. Propriety of the restriction of the "right" suggested.	443
270	Mr. Everts to Mr. Langston.	Apr. 12	Consular-fee question: Consultation with British representative enjoined; form of tax objectionable; efforts to be made to secure its discontinuance.	445
271	Mr. Langston to Mr. Everts.	May 10	Agricultural fête: The exhibit; condition of agriculture; rude implements used; land fertile; people industrious, but badly informed; no means of instruction as to new processes of cultivation; opening for American machinery and methods.	446
272	do .....	May 25	Tardy meeting of legislative assembly; addresses at opening.	450
273	do .....	July 11	Observance of Fourth of July .....	453
274	do .....	July 11	Changes in cabinet probable; revolution apprehended.	453
275	do .....	July 24	New cabinet appointed; acquiescence in selections.	454
276	do .....	July 25	Collision between Haytian war-vessel St. Michel and schooner A. J. Fabens; case to be presented to government.	456

## ITALY.

No.	From whom and to whom.	Date.	Subject.	Page.
277	Mr. Marsh to Mr. Evarts....	1877. June 2	Influx of pilgrims: Meetings of ecclesiastics; observance of fiftieth anniversary of election of Pius IX to the episcopate; propriety of the removal of Pope and Curia to Lyons discussed.	457
278	Mr. Evarts to Mr. Marsh....	July 25	Case of Largomarsino, naturalized citizen, impressed into Italian army: To be inquired into.	458
279	Mr. Wurts to Mr. Evarts....	Aug. 7	Same subject: History of case; Italian government contends for principle of inalienability of allegiance.	459
280	do .....	Aug. 11	Same subject: Case submitted; only exception to Italian law of allegiance in case of son whose father has been naturalized abroad; Largomarsino case not within this exception.	460
281	Mr. Seward to Mr. Marsh....	Sept. 2	Same subject: Circumstances in case to be again presented, and friendly request made for his discharge.	461
282	Mr. Wurts to Mr. Evarts....	Sept. 16	Consular convention denounced by Italy: Willing to renew same except Article VI.	462
283	do .....	Sept. 18	Same subject: Objection to inviolability of consular dwellings secured by Article VI; provision hostile to policy of Italy; its continuance would neutralize treaties with other powers, under operation of "most favored nation" clause.	462
284	Mr. Marsh to Mr. Evarts....	Oct. 3	Case of Largomarsino: No disposition to modify application of local law.	464
285	Mr. Evarts to Mr. Marsh....	Oct. 24	Inquiring as to practice of billeting troops upon foreigners in time of peace.	464
286	Mr. Marsh to Mr. Evarts....	Nov. 1	The law of marriage as it affects contracts between Americans and Italians: Ante-nuptial settlements, and strict compliance with provisions of Italian civil code, recommended; compliance with this recommendation not always possible; great uncertainty as to attitude of Italian courts respecting marriages not performed in accordance with Italian law; the local civil authorities alone authorized by law to celebrate marriages, and then only when all the requisites of the civil code have been fulfilled; present regulations insufficient; suggested that subject be made matter of treaty stipulation between the two governments.	465
287	do .....	Dec. 29	Change of ministry: Mr. Depretis president of the council; state ownership and operation of railways exciting interest.	466
288	do .....	1878. Jan. 9	The death of Victor Emanuel announced: A sketch of his career.	467
289	do .....	Jan. 10	Accession of the crown prince to the throne as Humbert I.	468
290	do .....	Jan. 20	The funeral of the King attended with pomp: Vast concourse of people from all parts of Italy; foreign governments represented.	469
291	do .....	Feb. 8	The death of Pope Pius IX announced; no excitement.	470
292	do .....	Feb. 20	Accession of Cardinal Pecci to the pontificate as Leo XIII; policy of new pope.	470
293	do .....	Mar. 24	Parliament opened by the King; new ministry formed by Mr. Cairoli; Count Corti appointed minister for foreign affairs.	471
294	do .....	June 24	Invitation to monetary conference accepted .....	474
295	do .....	July 23	Dissatisfaction with treaty of Berlin not so deep as represented by British and French papers: The subject of the "Trentino" discussed; its possession essential to the military security of the kingdom; its population and character Italian; the case of Trieste different; its territory Austrian by five centuries of occupation.	475
296	do .....	July 30	Delegates to monetary conference appointed .....	477
297	Mr. Wurts to Mr. Evarts....	Aug. 17	Customs regulation as to entry of merchandise at port of Leghorn: "Consular certificate of origin," and "two bills of lading" required.	478
298	Baron Blanc to Mr. Evarts....	Jan. 9	Announcing the death of King Victor Emanuel and succession of King Humbert.	478
299	Mr. Evarts to Baron Blanc....	Jan. 10	Acknowledging the above .....	479
300	Baron Blanc to Mr. Evarts....	Jan. 18	Inviting the President to attend memorial services at Saint Aloysius.	479
301	Mr. Evarts to Baron Blanc....	Jan. 22	Acknowledging the above .....	479
302	Baron Blanc to Mr. Evarts....	Mar. 4	The attendance of the President and other officers of the government at the memorial services appreciated by the Government of Italy.	480
303	Mr. Evarts to Baron Blanc....	Mar. 28	Acknowledging the above .....	480

## JAPAN.

No	From whom and to whom.	Date.	Subject.	Page.
304	Mr. Bingham to Mr. Evarts..	1877. Nov. 13	Trial of Satsuma rebels reported: Leniency of Japanese Government.	481
305	.....do .....	Nov. 15	Disappearance of the cholera: Deaths numerous in Japanese settlements; few deaths among foreigners; board of health organized; the appropriation by Congress of a fund for relief of destitute Americans recommended.	481
306	.....do .....	Dec. 1	Admiral Patterson and staff presented to the Emperor.	483
307	.....do .....	Dec. 1	Closing exercises at the Industrial Exposition: Exposition visited by several hundred thousand people.	484
308	.....do .....	Dec. 17	A Chinese legation accredited to Japan: Dr. D. B. McCarlee, an American, secretary.	485
309	.....do .....	1878. Jan. 12	The Emperor and Empress receive the diplomatic corps January 1.	486
310	.....do .....	Feb. 21	Harbor regulations for Yokohama approved .....	486
311	.....do .....	May 16	Assassination of Mr. Okubo Toshimichi, minister of the interior: Assassins engaged in late rebellion; action of the envoy.	491
312	.....do .....	June 6	Same subject: Public services of Mr. Okubo .....	495
313	.....do .....	June 29	Same subject: His last conversation .....	499
314	.....do .....	Sept. 10	Same subject: Address of the assassins to the Emperor; the assassination political.	499
315	.....do .....	Sept. 12	The Emperor well received during his visit to the north of the empire: Interest in education.	507
316	.....do .....	Sept. 12	Revolt of a part of the garrison of Tokel: Its suppression.	508
317	.....do .....	Sept. 12	The assassins of Mr. Okubo executed .....	511
318	.....do .....	Sept. 13	The Emperor presents 30,000 yen to the family of Mr. Okubo.	512
319	.....do .....	Sept. 13	The assassins of Messrs. Ap Jones and Russell arrested.	513
320	.....do .....	Sept. 16	Japanese debt, 375,000,000 yen: Revenues for current year estimated at 53,275,000 yen; expenses about the same; three-fourths of the revenue derived from land tax; debt to be reduced each year by payment of 20,000,000 yen.	513
321	.....do .....	Oct. 7	Case of Frank Gasper: Trial requested by Japanese Government for violation of railway regulations; case referred to Mr. Benson for action; correspondence.	514
322	.....do .....	Oct. 9	Case of Thomas Glass: Inquiring if the right to decree deportation of Americans "convicted of felony, or twice convicted of misdemeanors," exists.	518

## LIBERIA.

323	Mr. Turner to Mr. Evarts....	1878. Jan. 2	The President impeached: The Vice-President Acting President.	520
324	.....do .....	Jan. 8	The Secretary of the Treasury impeached: Sentence of Payne for assault upon representatives.	521
325	.....do .....	Jan. 8	President Gardner inaugurated.....	522
326	.....do .....	Jan. 28	Proceedings in impeachment trials .....	523
327	.....do .....	Feb. 15	Arrival of bark Liberia with fifty-three immigrants, and two commissioners to select land for colonies from Arkansas; missionary movements.	523

## MEXICO.

328	Mr. Foster to Mr. Evarts....	1877. Sept. 28	Address of President Diaz at opening of Congress: Peace prevails; frontier question discussed; foreign relations, otherwise, satisfactory; public works and education questions.	525
329	.....do .....	Oct. 6	Exactions upon Americans in Chihuahua: Property seized; forced loans imposed; examinations by governor unsatisfactory; reports of Consul Scott; cases of MacManus & Sons; Muller; Nordwald; Thomas N. Smith; and Waller Henry.	527
330	.....do .....	Oct. 27	Crossing into Mexico of Lieutenant Bullis and Colonel Shafter: Report of Mexican officers; strict compliance with instructions of June 18, as to crossing of frontier by our troops, ordered by minister of war; Mexican legation at Washington instructed to protest.	531

## MEXICO—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
331	Mr. Foster to Mr. Everts....	1877. Oct. 27	Rio Grande City jail extradition cases: Proceedings at Matamoras; extradition denied in three cases because of Mexican citizenship of offenders; in fourth case, because offender was undergoing sentence in another cause.	534
332	.....do.....	Nov. 9	Movements for a renewal of diplomatic relations with Great Britain are being made: Occasion of withdrawal of British legation from Mexico in 1867.	534
333	Mr. Everts to Mr. Foster....	Dec. 7	Inquiry to be made as to whether the Rio Grande City jail offenders have been punished in accordance with Mexican penal code.	535
334	.....do.....	1878. Jan. 2	The Shafter expedition: Mr. de Cuellar's note; American reports differ from Mexican; no damage to Mexico; Mr. Vallarta to be furnished unofficially with particulars.	536
335	.....do.....	Jan. 3	Gratification of government at co-operation of Mexican troops with the Ward expedition.	536
336	Mr. Foster to Mr. Everts....	Jan. 3	Historical sketch of Indian tribes: Indian relations with Mexico.	537
337	.....do.....	Jan. 10	Mexico has no information as to punishment of Rio Grande City offenders.	539
338	.....do.....	Jan. 17	The Ward expedition denounced as an invasion: Co-operation of Mexican troops condemned by press and government; officer in command to be punished.	540
339	Mr. Everts to Mr. Foster ..	Mar. 23	Directing resumption of official relations.....	543
340	Mr. Richardson to Mr. Everts.	Apr. 2	General Gonzales succeeds General Ogazon as minister of war: The change a victory for the radical revolutionary, or Tuxtepec party.	544
341	.....do.....	Apr. 6	Address of President Diaz at opening of Congress: Foreign relations peaceful; order maintained; a system of general surveys instituted; questions of finance, education, and public works discussed.	545
342	Mr. Foster to Mr. Everts ...	May 4	Foreign debt of Mexico, \$130,000,000: Interest unpaid for many years; value of bonds nominal; no adjustment with creditors attempted; private purchase in 1868 by Mexico of certain bonds, at 18½ per cent.; some "Carbajal bonds" bought at that time; recent private purchase of Spanish convention debt, at 4 per cent. (See dispatches, October 8, 9, 25.)	548
343	.....do.....	May 6	Present administration evinces earnest desire to develop the country: Several public works undertaken; the wagon-road from Tampico to San Luis Potosí opened.	549
344	.....do.....	May 7	The amended constitution renders ineligible to re-election to next succeeding term, the President of the republic, and the governors of States.	549
345	.....do.....	May 29	The railway question: Opposition to the Palmer-Sullivan contracts likely to prevail; hostility manifested to American corporations, or to connection with the railway system of the United States; speech of Mr. Chavero in Congress in "opposition to American railways in Mexico."	550
346	.....do.....	June 17	Mr. Mata to be appointed minister for foreign affairs: The frontier question the only serious one before foreign office; no reason why an amicable adjustment should not be reached.	552
347	.....do.....	June 26	Secret action of Senate respecting crossings of frontier: Attacks of opposition press; moderate article from "Monitor Republicano" respecting relations with United States; "reciprocal crossing" thought to be "inadmissible."	553
348	.....do.....	July 15	Mexico to protest against crossing of frontier: Negotiations may be affected; the Mackenzie-Shafter expedition complained of as a violation of territory; American position restated by Mr. Foster; the June 1, 1877, order cannot be withdrawn until frontier question is settled; the United States will accord to, what she asks of, Mexico; obligations to be reciprocal; denial entered that Americans raid into Mexico, and proofs asked; the experience of President Diaz illustrates difficulty of suppressing revolutionary movements upon frontier.	555

## MEXICO—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
349	Mr. Foster to Mr. Evarts . . .	1878. July 17	The extradition of Dominguez and Barrera, charged with murder; Judgment of Supreme Court; opinions of Magistrates Ramirez and Bautista against extradition, and of Señor Vallarta in favor of granting it; citizens may be extradited in the discretion of the government.	560
350	.....do .....	Aug. 3	Diaz party successful in election: No real expression of public opinion; voting usually confined to government party; the other parties look to revolution; election methods; party divisions.	567
351	.....do .....	Aug. 6	Excitement respecting frontier relations, and General Ord's visit to Washington: Government bitterly attacked by opposition press; Mata-Foster correspondence thought to provoke war.	570
352	.....do .....	Aug. 8	Unhappy influence of divisions in liberal party: The institutions of the country threatened by party recklessness.	571
353	Mr. Evarts to Mr. Foster . . .	Aug. 13	Frontier relations unchanged: No effective steps taken by Mexico to check raids; action delayed; marauders unpunished; criminals rarely extradited; conceding the disposition, the ability of Mexico to maintain order upon the frontier is questioned; the United States compelled to protect its own frontier: American troops do not invade Mexico, they repel invasion from Mexico: [see Mr. Foster's dispatch September 19.]	572
354	Mr. Foster to Mr. Evarts . . .	Oct. 15	Restrictions upon ownership of realty by foreigners: Especial limitations as to ownership in frontier States.	575
355	.....do .....	Aug. 15	Relations with the United States chief topic of public discussion.	575
356	.....do .....	Aug. 22	Arrest of Thomas Walsh, W. W. Camp, and Rafael Andreté, Americans, at Nueva Laredo, for refusal to perform military service: Protest of Commercial Agent Haynes; Mexico to investigate subject; correspondence in case.	576
357	.....do .....	Sept. 3	The firing upon the flag of Consul Sutter at Acapulco, May, 1877: Regret expressed by Mexico; firing unintentional; by whose order unknown; officer commanding fort at time to be tried; correspondence in case.	580
358	.....do .....	Sept. 7	Mexican treasury embarrassed: Officials unpaid; Supreme Court makes issue respecting payment of salaries; smuggling generally prevalent; "honest commerce" endangered; army dissatisfied; several attempts at revolution; Jalapa revolt most serious; its suppression.	587
359	.....do .....	Sept. 7	Mexican publications upon frontier relations: Expedition against Lipans to punish them for depredations upon Mexicans; Kickapoos protected by Mexico; report of Mr. Escalante, Mexican consul in Arizona, disproves charge that American Indians raid into Sonora; the United States will recapture refugee Indians if permitted by Mexico; Governor Mariscal favors "reciprocal crossing"; Kickapoos, as well as Lipans, raid from Chihuahua and Coahuila; [see dispatch October 7.]	592
360	Mr. Evarts to Mr. Foster . . .	Sept. 11	The murder of Walter Henry: Seizure of his merchandise; subject must be investigated by Mexico, and participants punished; Mr. Schuchardt's reports.	603
361	.....do .....	Sept. 14	Same subject: Further information as to murder and robbery of Henry; customs authorities thought to be implicated; the punishment of offenders to be taken as measure of Mexico's ability to enforce law and protect life and property on frontier.	606
362	Mr. Foster to Mr. Evarts . . .	Sept. 19	Frontier question: Mr. Mata's reply to Mr. Evarts' instruction of August 13; the revocation of the Ord order condition precedent to agreement as to "reciprocal crossing"; extradition question discussed.	608
363	Mr. Evarts to Mr. Foster . . .	Sept. 20	Raids from direction of Ximenes under lead of Areola continue: The border kept in ceaseless turmoil; ample reparation must be secured.	613

## MEXICO—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
364	Mr. Foster to Mr. Evarts ...	1877. Sept. 20	Case of Gustave Sommer, naturalized citizen: Application for matriculation based upon State Department passport, refused; Mexico holds that in cases of naturalized citizens, naturalization papers are the only evidence to citizenship receivable; Mr. Foster holds that State Department passport as evidence to citizenship, may not be impeached; applications for matriculation suspended until question is decided.	613
365	.....do .....	Sept. 23	Mexican troops to make campaign in Coahuila: Funds deposited to meet expenses; the Executive earnest in movement to suppress Indian depredations; civil-service officials unpaid for August.	621
366	.....do .....	Oct. 4	Co-operation of alcalde of Las Vacas in recovery of stolen Texas cattle.	622
367	.....do .....	Oct. 5	Raids of Areola: Unsettled condition of frontier called to attention of Mexico. (See instruction, September 20.)	622
368	.....do .....	Oct. 7	Mexico informed that American Indians depredating will be punished, unless protected by Mexico: Mr. Escalante's report communicated to Mexico; not yet published; rumored murders in Chihuahua probably work of protected refugee Indians. (See dispatch, September 7.)	623
369	.....do .....	Oct. 8	Mexican debt held in United States: "Woodhouse bonds" repudiated; "Corlis-Carbajal" bonds recognized; total issue outstanding, \$1,438,000; security, pledge of revenues; Mexico's necessities compel use of fund for current expenses; private purchase of bonds by Mexico. (See dispatch, May 4.)	624
370	.....do .....	Oct. 8	Foreign debt, \$131,914,665: Created by issue of bonds, discounts, claims, overdue interest; English debt of 1823, netted, \$11,800,000; present aggregate, \$88,846,305; entire customs revenue pledged to pay interest; owing to current necessities, to revolution, and foreign wars, pledge violated.	630
371	.....do .....	Oct. 9	The Zamacona commercial meeting in Chicago: Letter to Chicago manufacturers; trade relations discussed as to; means of communication; need of direct railway between City of Mexico and Rio Grande; hostility to idea of connection with American railway system; transportation companies to be Mexican; no payment of subsidy possible; no pledge of customs revenue of value; tariff almost prohibitory; state as well as national duties imposed; trade regulations imperfect; no bonded system; excessive contraband trade; unsettled condition of country; debt and finances. (See dispatches, May 4 and 29, August 3, September 7, October 8 and 15.)	636
372	.....do .....	Oct. 14	Abolition of Zona Libre discussed: Its establishment by State government, although unconstitutional, approved by Congress as a measure of hostility to American commerce; action as to abolition postponed.	654
373	.....do .....	Oct. 15	Relative peace prevails: Religious and political outbreak at Atzala, in State of Puebla; Catholics attack Protestants; 27 of latter killed; gloomy views of press as to future of Mexico; dictatorship discussed; alternative proposition, to extend term of President Diaz, and increase his power; contraband trade active; treasury receipts and disbursements; payment of salaries postponed; international exposition in 1879 proposed; Congress in session.	658
374	.....do .....	Oct. 25	Contraband trade conducted through Gulf ports as well as across Zona Libre; treasury embarrassed; customs revenue falling off; officials unpaid; increased taxation; apprehensions of revolution.	660
375	.....do .....	Oct. 28	No action taken respecting protest as to discriminating bounty granted by Yucatan on hemp exported to Europe.	661
376	.....do .....	Oct. 29	The double standard: Gold driven out of circulation by silver; silver unlimited legal-tender; its decline in London unfavorable to Mexico; exchange 22 per cent. premium; removal of export duty on silver recommended.	663

## MEXICO—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
377	Mr. de Cuella to Mr. Evarts	1877. Dec. 4	Protesting against the Shafter-Bullis expeditions as a violation of Mexican territory.	664
378	Mr. Seward to Mr. de Cuella	1878. Jan. 3	Cases under extradition treaty to be decided in a candid spirit as they may arise: Right of appeal from local to national authorities recognized.	668
379	Mr. de Cuella to Mr. Evarts	Apr. 27	Cases of Mieto and Bativerrez; arrested in Mexico under extradition treaty, through aid of local magistrate; conveyed secretly into Texas by Sheriff Cabe.	668
380	.....do .....	May 3	Calling attention to revolutionary movements on frontier under Escobedo.	674
381	Mr. de Zamacona to Mr. Evarts.	May 6	Presentation to the President.....	675
382	Mr. Evarts to Mr. de Zamacona.	May 8	Cases of Mieto and Bativerrez: Attention of governor of Texas to be called to cases.	675
383	Mr. de Zamacona to Mr. Evarts.	June 8	Revolutionary movements on frontier: Asking orders to troops to prevent crossing into Mexico.	675
384	Mr. Seward to Mr. de Zamacona.	July 22	Same subject: Those engaged to be prosecuted; convictions difficult; evidence insufficient.	678
385	Mr. de Zamacona to Mr. Evarts.	July 31	Same subject: Report of Mexican consul at San Antonio as to revolutionary movements.	679
386	Mr. Evarts to Mr. de Zamacona.	Oct. 30	Same subject: Efforts of military officers to aid Mexican authorities; report of Captain Sellers..	682

## MOROCCO.

387	Mr. Mathews to Mr. Evarts	1878. June 14	Famine in Morocco: No rain in southern provinces; cattle dying by thousands; rice and flour imported; prices have advanced 300 per cent.; great suffering in cities apprehended.	684
388	Mr. Evarts to Mr. Mathews	July 2	The Jews in Morocco: Friendly offices to be extended to them.	685
389	Mr. Mathews to Mr. Evarts.	July 5	Further account of famine: Great suffering; price-list of provisions.	686
390	.....do .....	July 5	Observance of the 4th July .....	687
391	.....do .....	Aug. 7	Enlargement of cemetery: Requesting allowance of \$155 as our share of expense.	688
392	.....do .....	Aug. 24	Cholera in Fez and Mequinez: Report of Dr. Martinez; filthy condition of those cities.	689
393	.....do .....	Sept. 20	Protection extended to Jews of Arzila .....	691
394	.....do .....	Sept. 30	Further account of the famine and cholera: Death-rate increasing; foreign assistance; apathy of government; superstition of people; filthy condition of cities.	692

## NETHERLANDS.

395	Mr. Birney to Mr. Evarts...	1877. Oct. 11	Proceedings of the "International Workingmen's Association" and the "Socialist Congress," at Verviers and Ghent: Their platform, the abolition of private ownership of property, and of existing forms of society, and the union of the people into federations of laborers; their object to be attained through a series of revolutions; its difficulty of accomplishment recognized; alliances to be made with all associations or parties hostile to existing systems; the workingmen's party of the United States in association and correspondence with the socialist party of Europe, with same plan of action, and same ultimate aim.	694
396	.....do .....	1878. Mar. 1	The law of wills, and of the custody and distribution of estates: The law of 1852, under which estates are settled, provides for ecclesiastical estates in hands of commissioners after five years from date of publication of second six months' notice of estate: numerous American claimants without exact data as to the estates which they claim.	696
397	.....do .....	Apr. 6	Invitation to monetary conference given .....	700
398	.....do .....	May 2	Invitation accepted .....	700

## NETHERLANDS—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
		1878.		
389	Mr. Birney to Mr. Evarts...	June 25	General Grant visits The Hague: Official and private reception; a review of troops held in his honor.	701
400	.....do.....	Oct. 1	Opening of States General: Speech from the throne; royal marriages announced.	702
401	Mr. de Pestel to Mr. Evarts	Feb. 27	The application of the Moorsom system of admeasurement of vessels different in the two countries: Plan of agreement by which certificates of either nation may be received in the other, presented; agreement may be extended to Dutch colonies.	703
402	Mr. Evarts to Mr. de Pestel	Mar. 28	No reason seen for change in American practice of admeasurement: Customs officers are directed to deduct from gross tonnage under foreign admeasurement, places and closed spaces exempt from tonnage tax by our law; foreign vessels practically on same basis as American vessels as to tonnage tax, under Treasury circular of November 27, 1876.	706
403	Mr. Burlage to Mr. Evarts..	July 31	Same subject: Decree exempting American vessels from readmeasurement in Netherlands ports.	707
404	Mr. Seward to Mr. Burlage.	Aug. 12	Same subject: Similar exemption accorded their vessels in our ports.	708

## PARAGUAY.

		1878.		
405	Dr. Aceval to Mr. Evarts...	Mar. 27	Submitting papers in boundary question with Argentine Republic, to the President.	709
406	Mr. Evarts to Dr. Aceval..	Mar. 29	Acknowledging receipt of above.....	710
407	.....do.....	Nov. 13	Same subject: The award of the President in favor of Paraguay.	711
408	Dr. Aceval to Mr. Evarts...	Nov. 15	Acknowledging receipt of the award.....	711

## PERU.

		1877.		
409	Mr. Gibbs to Mr. Evarts...	Aug. 27	Peruvian finances: Treasury notes substituted for the "Meigs notes" issued in aid of public works; decree of the government.	712
410	.....do.....	Sept. 10	The Chinese in Peru: Their position; report of Peruvian consul at San Francisco respecting anti-Chinese riots, and emigration of Chinese thence to Peru; Chinese representative needed.	716
411	.....do.....	Oct. 24	Requirement of Peruvian law that ships' registers shall be deposited in the office of "captain of the port."	718
412	.....do.....	Oct. 26	Quiet election; strong opposition to government party.	720
		1878.		
413	.....do.....	Feb. 11	Mr. Stuart authorized to open dispatches: Peru to send mission to China; suggestion to send students to learn Chinese appreciated.	720
414	.....do.....	Feb. 11	Movement to induce Chinese emigration from California to Peru: Press comments; advertisement of Peruvian consul at San Francisco.	721
415	.....do.....	Apr. 11	Attempt of Olyphant & Co. to establish a line of emigrant steamers between China and Peru; first steamer arrives without emigrants; governor of Hong-Kong interferes with enterprise.	723
416	.....do.....	Apr. 26	Trade report: bulk of trade with Great Britain: articles of export, guano, sugar, nitrate of soda, wool; of imports, cotton and woolen goods, machinery, crockery, boots and shoes, lumber: American shipping increasing; freights against the United States; no direct communication.	724
417	.....do.....	June 28	Interview with President respecting extension of trade: Peru desires a trade convention granting free entry into our ports of Peruvian sugar, in exchange for free entry of grain into Peru.	729
418	.....do.....	June 26	Reconstitution of the cabinet.....	730



## PERU—Continued.

No.	From whom and to whom.	Date.	Subject.	Page
419	Mr. Gibbs to Mr. Evarts . . .	1878. July 31	Election favorable to "civilist party;" Congress organized by that party; Ex-President Pardo, in exile, elected president of senate; nationalists manifest dissatisfaction; indications of disturbances.	731
420	.....do .....	Aug. 7	Revolutionary movements at Arequipa: Colonel Suarez proclaimed provisional president.	732
421	.....do .....	Aug. 14	Same subject: Quiet restored	733
422	.....do .....	Aug. 20	Chinese emigration from Hong-Kong restricted; hostility of governor; failure of Olyphant emigrant line; treatment of Chinese in Peru.	733

## PORTUGAL.

423	Mr. Moran to Mr. Evarts . . .	1877. Dec. 11	Regret expressed by the Marquis d'Avila at General Grant's determination not to visit Portugal.	736
424	.....do .....	Dec. 22	New site for naval cemetery at St. Vincent, Cape Verde, determined upon.	737
425	.....do .....	1878. Jan. 3	The Cortes opened by the King: Finances unsatisfactory; the creation of an artificial harbor near Oporto discussed.	739
426	.....do .....	Feb. 1	Change of ministry: Señor Fontes appointed president of the council.	742
427	.....do .....	Feb. 5	The completion of the work of measuring the difference of longitude between Lisbon and Madeira reported by Captain Green.	743
428	.....do .....	May 6	Adjournment of the Cortes: Its proceedings without interest to foreign nations; financial condition unsatisfactory; deficiency about \$3,000,000; country measurably prosperous; railway project.	744
429	.....do .....	Oct. 16	Election for delegates conducted with order; majority for the government.	745
430	.....do .....	Nov. 5	General Grant's visit to Portugal: His reception by the King; every official courtesy extended; cordiality of the people.	745

## RUSSIA.

431	Mr. Boker to Mr. Evarts . . .	1877. Oct. 12	Discriminating duty in favor of tools and wines imported by land: Protest of American merchants.	747
432	.....do .....	Oct. 25	The Journal of St. Petersburg upon Russian finances: The national credit to be maintained.	749
433	Mr. Seward to Mr. Boker . . .	Oct. 31	The discrimination in favor of importations by land equivalent to a bounty, and consequently to a tax upon American importations, which must be by sea, and to that extent is an infraction of the treaty of 1832; this view to be presented to Russian Government.	751
434	Mr. Boker to Mr. Evarts . . .	Nov. 22	Same subject: Above instruction complied with	752
435	.....do .....	Dec. 20	The budget for 1878 more favorable than anticipated.	753
436	.....do .....	Dec. 24	Enthusiastic reception of the Emperor upon his return to St. Petersburg from the army.	754
437	Mr. Stoughton to Mr. Evarts	1878. Mar. 29	Russia holds that she may classify her import trade, imposing one rate of duty upon that by land, and another rate upon that by sea: Position untenable in respect of clause of treaty insuring equality of treatment to American imports, because so long as this classification exists equality is impossible.	755
438	Mr. Hoffman to Mr. Evarts . .	Apr. 9	Invitation to monetary conference given	757
439	Mr. Evarts to Mr. Stoughton	Apr. 19	Position of United States as to interpretation of treaty of 1832 reaffirmed.	758
440	Mr. Hoffman to Mr. Evarts . .	Apr. 29	Trial of Vera Zasulitch for attempt upon the life of General Trepoff, chief of police: The crime confessed; the verdict of the jury, "not guilty;" the trial held to be of the police system; the verdict, its public condemnation; motive of the crime, to attract the attention of the Emperor to the system.	758

## RUSSIA—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
		1878.		
441	Mr. Hoffman to Mr. Evarts..	May 23	The Eastern question: Probable meeting of congress; no similar vessel to the Cambria sailed; the Shah of Persia in Russia.	760
442	.....do .....	May 29	The visit of the Shah: Military review held in his honor; fine appearance of the troops.	760
443	.....do .....	June 3	Invitation to monetary conference accepted.....	761
444	.....do .....	June 3	Same subject: (Dispatch) .....	761
445	.....do .....	June 4	Reply to note as to discriminating duties: Amendment of regulations declined; the position of Russia not thought to conflict with treaty of 1832.	762
446	.....do .....	June 6	Torpedo regulations at Odessa .....	760
447	Mr. Stoughton to Mr. Evarts.	Aug. 8	Mr. de Thöerner appointed delegate to monetary conference.	763

## SPAIN.

		1877.		
448	Mr. Lowell to Mr. Evarts ...	Nov. 8	Acceptance by Spain of Moorsom system of admeasurement of vessels; Spanish certificates, issued since 1876, expressed in terms of gross and net tonnage.	764
449	Mr. Evarts to Mr. Lowell....	Nov. 12	Excessive tonnage-tax imposed upon American vessels trading with Cuba through readmeasurement; excessive consular charges upon clearance papers; no similar charges made in American ports or by American consuls; report of Consul-General Hall.	765
450	.....do .....	Nov. 12	Acceptance by Spain of agreement to receive reciprocally each others certificates of admeasurement, desirable; effect of readmeasurement in Cuba upon American commerce, shown in preceding instruction; temporary agreement as to Cuba established.	768
451	.....do .....	Nov. 13	Cases of the Ellen Rizpah, Rising Sun, and Edward Lee, American whaling-ships, fired upon by Spanish cruisers in the Caribbean Sea; reparation for the offense, and precautions for the future, to be requested.	769
452	Mr. Lowell to Mr. Evarts ...	Dec. 13	The approaching marriage of the King to the Princess Mercedes announced.	773
453	Mr. Seward to Mr. Lowell....	Dec. 17	If Spanish certificates of admeasurement under Moorsom system express tonnage capacity of all parts of ships, they will be accepted by customs officers; only such parts as may be exempted by Spanish law, but not by our law, will be admeasured in our ports.	774
454	Mr. Lowell to Mr. Evarts ...	Dec. 27	Cases of the Ellen Rizpah, Rising Sun, and Edward Lee called to attention of the Spanish Government.	775
		1878.		
455	Mr. Evarts to Mr. Lowell. ...	Jan. 22	The President's message in relation to Spanish affairs; appreciation of prompt payment of awards.	777
456	Mr. Lowell to Mr. Evarts ...	Feb. 1	Spain allows \$10,000 damages in cases of the Ellen Rizpah and Rising Sun; similar outrages to be guarded against in future.	777
457	.....do .....	Feb. 6	The marriage of the King: Reflections suggested by the ceremonial.	780
458	Mr. Evarts to Mr. Lowell....	Feb. 25	Damages allowed in cases of the Ellen Rizpah and Rising Sun accepted.	784
459	Mr. Lowell to Mr. Evarts ...	April 2	Debate in the Cortes upon the pacification of Cuba; resistance practically at an end.	784
460	Mr. Reed to Mr. Evarts .....	April 18	The payment of the indemnity in the Rising Sun and Ellen Rizpah cases to be made by Señor Mantilla.	786
461	Mr. Evarts to Mr. Lowell....	April 26	Explaining difference of detail in admeasurement of vessels in the two countries, and asking if a uniformity of practice cannot be established.	787
462	Mr. Reed to Mr. Evarts .....	April 27	The strength of the army in Spain fixed at 100,000 men; Cuban army to consist of such force as may be necessary.	788
463	.....do .....	June 9	Pacification of Cuba: Official proceedings; General Campos appointed captain-general; General Jouvellar to be made secretary of war.	789
464	.....do .....	June 11	Sentence of suspension against certain journals withdrawn.	791

## SPAIN—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
		1878.		
465	Mr. Evarts to Mr. Lowell ...	June 28	The death of the Queen: The sympathy of the President to be expressed to the King.	791
466	Mr. Lowell to Mr. Evarts ...	July 3	Same subject: Sincere sorrow felt and expressed by all classes; multitudes before the palace; the influence of the Queen already great and beneficent; the President's instruction complied with.	792
467	.....do .....	July 25	Tariff policy of Spain to induce special treaties: Tariff changes for 1878-79; direct shipments from Spanish colonies to Spain to determine character of voyage, notwithstanding stoppage of vessel at American port to complete cargo.	794
468	.....do .....	Aug. 6	The phylloxera makes its appearance: Great danger to wine interest; precautions taken.	798
469	.....do .....	Aug. 30	Spanish papers sent to the United States stopped by customs officers: Inquiry as to such action.	798
470	.....do .....	Sept. 25	Favorable effect upon Spanish shipping of abolition of differential dues in aid of national ships; increase of tonnage.	779
471	Mr. Evarts to Mr. Lowell ...	Sept. 12	Americans in Cuba excluded from exemption accorded German subjects as to payment of arrears of taxes; collection ordered; tax obnoxious as a war tax; colleagues to be consulted; remonstrance to be made as to injustice of unequal treatment of citizens of friendly powers.	800
472	Mr. Lowell to Mr. Evarts ...	Oct. 29	The King's life attempted: His gallant conduct; assassin arrested; avows himself a socialist and internationalist; disappearance of his weapon thought to indicate accomplices; the congratulations of the President communicated.	801
473	.....do .....	Oct. 29	General Grant received by the King at Vitoria; attends a review of Spanish troops; reception at Madrid; Portuguese minister arranges for his visit to Portugal; is prevented by such action from taking formal leave of the King.	803
		1877.		
474	Mr. Mantilla to Mr. Evarts ...	Oct. 19	Protesting against advance in tonnage dues on Spanish vessels from 30 cents to 80 cents per ton, and claiming exemption from advance on ground of present enjoyment by American vessels in Spanish ports of equality with Spanish vessels.	804
475	Mr. Evarts to Mr. Mantilla ...	Oct. 26	Reply: Upon receipt of assurances that no discriminating tonnage dues are levied upon American vessels in Spanish ports, the President will direct remission of tax complained of.	806
476	.....do .....	Nov. 2	Same subject: Treasury circular remitting 50 cent extra tonnage dues.	807
477	Mr. Mantilla to Mr. Evarts ...	Dec. 28	The approaching marriage of the King to the Princess Mercedes announced.	808
		1878.		
478	Mr. Evarts to Mr. Mantilla ...	Jan. 12	Reply: Congratulations of the President .....	808
479	Mr. Mantilla to Mr. Evarts ...	Mar. 23	Pacification of Cuba nearly completed: Conditions, pardon to those surrendering; representation in National Cortes; reconstruction of local administration upon model of municipal and provincial system of Spain; unification of laws with those of Spain; freedom of slaves in ranks of insurgents; release of embargoed estates; leaders of rebellion chiefly foreigners.	809
480	.....do .....	June 7	Pacification completed; insurgent chiefs accept terms of peace.	815
481	.....do .....	June 14	Case of bark Los Amigos: Requesting revision of Treasury circular as to repayment of 50 cent extra tonnage dues, to include all cases in which payment was made, whether under protest or not.	815
482	.....do .....	June 26	The death of the Queen of Spain announced .....	817
483	Mr. Evarts to Mr. Mantilla ...	June 26	Reply: American minister at Madrid instructed to express to the King the President's profound sympathy.	818
484	.....do .....	July 9	Case of Los Amigos: Treasury willing to refund extra tonnage tax.	818
485	Mr. Mantilla to Mr. Evarts ...	July 12	Reply of the King to the President's expressions of sympathy.	819
486	Count Brunetti to Mr. Evarts ...	Oct. 26	The King's life attempted: The assassin an international socialist.	819

## SWEDEN AND NORWAY.

No.	From whom and to whom.	Date.	Subject.	Page.
487	Mr. Andrews to Mr. Everts ..	1877. Aug. 22	Relative rates of wages of ordinary seamen in two countries: \$15 to \$18 per month in United States; \$10 per month in Sweden. Rations quite the same; cost, about 32 cents per day.	820
488	Mr. Stevens to Mr. Everts ..	Apr. 12	Review of naval recruits: Exercises conducted by the King; recruits drawn from maritime provinces; serve one year, undergoing naval instruction, then pass into naval reserve for twenty years; reserve, 6,000 men.	822
489	.....do .....	July 29	General Grant received by the King at Christiania; visits Stockholm; is waited upon by deputation of artisans; vast throngs before his hotel; earnest and respectful enthusiasm manifested.	823
490	.....do .....	Aug. 31	Second meeting international prison congress: Large attendance of delegates; executive committee hereafter to consist of members appointed by governments; subjects discussed, prisons and penitentiaries; reformatory and preventive institutions; penal legislation; next meeting to be held at Rome in 1884.	824

## SWITZERLAND.

491	Mr. Fish to Mr. Everts .....	1878. Feb. 23	Celebration of Washington's birthday: Participation of President of Switzerland; hope expressed that American representative may not be withdrawn.	828
492	.....do .....	Mar. 7	Financial condition unsatisfactory: Deficiencies anticipated; national credit to be maintained; debt not excessive; military expenses increased; new taxes to be levied; higher tariff duties, especially on tobacco, to be imposed.	829
493	.....do .....	Apr. 6	Invitation to monetary conference given: International rule respecting bills of exchange suggested for discussion at conference.	834
494	.....do .....	Apr. 9	Switzerland will send delegate to conference, but advocates single standard.	836
495	.....do .....	Apr. 18	Invitation to conference accepted .....	837
496	.....do .....	July 11	Latin union will probably act together in conference	838
497	.....do .....	Sept. 25	General Grant received with distinguished honor at Zurich; enthusiasm of the people.	839
498	.....do .....	Sept. 30	Emigration statistics: 31,345 emigrants to America between 1868 and 1876.	841
499	.....do .....	Oct. 21	Military exemption tax: Americans liable; right of expatriation not recognized; propriety of negotiating for its recognition suggested.	841
500	.....do .....	Oct. 21	A quiet election anticipated; no question of general interest enters into canvass; but few changes in delegations probable; the Swiss electoral system.	845

## TURKISH EMPIRE.

## 1. TURKEY.

501	Mr. Maynard to Mr. Everts.	1877. Oct. 31	Military situation more favorable to Russia: The Sultan confers upon Osman and Moukhtar Pashas the title Ghazi (conqueror); success the only criterion; feast of Belram observed with less spirit than usual.	847
502	.....do .....	Nov. 30	Fall of Kars; retreat of Moukhtar Pasha upon Erzeroum; Russians close in about Plevna; affairs at Shipka Pass, and upon the Lom, unchanged; weather moderate; great suffering in Bulgaria; corps of Christians to be incorporated with Turkish army; coast blockaded from Spizza to Dulcigno.	849
503	.....do .....	Dec. 17	Speech of the Sultan upon opening Parliament: Reforms promised; equality of subjects reaffirmed; Christians to be incorporated in the army; council of state to submit projects of laws; financial and military affairs.	852
504	.....do .....	1878. Feb. 15	British fleet off the Bosphorus: Russians threaten to enter Constantinople; no resistance possible; excitement in the city; extraordinary council of ministers.	853

## TURKISH EMPIRE—Continued.

No.	For whom and to whom.	Date.	Subject.	Page
		1878.		
505	Mr. Maynard to Mr. Evarts.	Feb. 28	Summary of terms of armistice; demands of Russia; negotiations progressing at San Stefano.	855
506	.....do	Mar. 6	Treaty of San Stefano signed March 3.	859
507	.....do	Mar. 6	Same subject: Historical sketch of San Stefano; a European congress proposed.	859
508	.....do	Mar. 7	General Grant visits Constantinople; is received by the Sultan, and the great officers of State; press comments.	861
509	.....do	Mar. 13	Passport and police regulations.	864
510	.....do	Apr. 3	Treaty of San Stefano: Stipulations, articles 1 and 2, boundaries and independence of Montenegro; article 3, of Servia; article 5, of Roumania; article 6, constitution of autonomous province of Bulgaria, and article 7, election of prince, assembly of notables, organization of administration, Russian supervision; article 8, Turkey to evacuate, and Russia to occupy, Bulgaria; article 9, railways to pass to Bulgaria; article 10, right to move regular troops across, reserved to Turkey; articles 12 and 13, Danubian fortresses to be razed, war-vessels excluded, navigation to be restored; article 14, reforms in Bosnia and Herzegovina; article 15, reforms in Crete; articles 16, 17, 18, reforms in Armenia; article 19, retrocession of Bessarabia; articles 19 and 20, indemnity, 1,400,000,000 rubles—deductions, territory ceded—valued at 1,100,000,000 rubles, balance 310,000,000 rubles, payable by Turkey; articles 4 and 21, rights of property, and of withdrawal from ceded territory, reserved; article 22, monks of Mt. Athos; articles 23 and 24, free navigation of Bosphorus to merchant-ships in peace or war; Black Sea exempt from blockade; articles 25, 26, 27, 28, 29, amnesty to those engaged in war, exchange of prisoners, withdrawal of Russian army, ratifications. (See Mr. Maynard's dispatch September 28.)	865
511	.....do	Apr. 29	Russian and Turkish armies still confront each other; Russian officers visit Constantinople; British influence rapidly increasing. Lord Salisbury's circular of April 1, objects to retrocession of Bessarabia, to pecuniary impositions upon Turkey, to preponderating influence of Russia in Bulgaria, and to constitution of that province; and declares that no treaty affecting European interests may be definitely concluded without the assent of the powers, parties to the treaties of 1856 and 1871; and requires the submission of the treaty of San Stefano to a European congress for revision. Prince Gortschakoff's dispatch of April 9, claims complete liberty of action for Russia as a consequence of rights acquired by conquest; contends that the conditions under which the treaty of Paris was negotiated no longer exist, "that existing treaties have been successively infringed for twenty-two years;" and declares that each power in any congress considering the treaty of San Stefano will "have full liberty of appreciation and action."	872
512	.....do	May 9	Visit to Salonica, Mount Athos, and Mytilene; question as to size of consular suite at Mytilene; importance attached to retinue in the East.	880
513	.....do	May 21	The restoration of Ex-Sultan Murad V attempted.	882
514	.....do	May 29	Change of ministry; rapid succession in office; office of prime minister abolished; that of Grand Vizier restored.	884
515	.....do	June 5	Change of ministry; Safvet Pasha appointed Grand Vizier.	885
516	.....do	June 16	The convention of Constantinople; England to join the Sultan in defending Asiatic Turkey by force of arms if necessary; the Sultan to introduce reforms therein; and to assign to England the occupation and administration of Cyprus.	886
517	.....do	Aug. 30	Cessation of military movements; occupation of Cyprus by Great Britain; entry of Austrian troops into Bosnia; Turkish fortresses surrendered; Greece dissatisfied; rectification of frontiers in Thessaly and Epirus recommended by treaty of Berlin; Turkish note upon claims of Greece.	890

## TURKISH EMPIRE—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
518	Mr. Maynard to Mr. Evarts.	1878. Sept. 28	Turkey still agitated: Insurrections in Asiatic and European provinces; account of affairs in Armenia by Mr. R. M. Cole; death of Mehemet Ali and suite: disturbances upon Greek frontier. Text of the treaty of Berlin—stipulations: Articles 1 to 12, inclusive, boundaries and constitution of Bulgaria; election of prince; commission of notables; religious freedom; Russian commissioner to administer; existing treaties in force; no transit dues to be levied; to assume part of debt; tribute, and railway relations to be determined; Turkish troops to be withdrawn: Articles 13 to 22, inclusive, boundaries and constitution of East Rumelia; Porte to appoint governor; administrative autonomy; Turkey may fortify frontiers; regular troops admitted; religious freedom: Article 23, reforms in Crete; Article 24, mediation as to Greece: Article 25, Austrian occupation of Bosnia and Herzegovina: Articles 26 to 33, inclusive, boundaries and independence of Montenegro; freedom of religion, and rights of property, insured; Austria to protect merchant flag; not to have ships or flag of war; to assume part of Turkish debt: Articles 34 to 42, inclusive, boundaries and independence of Servia; existing treaties to remain in force; religious freedom, and rights of property, insured; no transit dues to be levied; to assume part of Turkish debt: Articles 43 to 51, inclusive, boundaries and independence of Roumania; religious freedom, and rights of property, insured; Bessarabia surrendered to Russia, the Dobroutcha to Roumania; no transit dues to be levied; fishery rights to be determined by commission; full treaty-making power granted; obligations of Turkey to be assumed: Articles 52 to 57, inclusive, navigation of Danube below the Iron Gates free; fortresses to be razed; no war ships allowed upon; European commission maintained: Articles 58 to 61, boundaries and cessions in Asia: Article 62, Turkey concedes religious freedom: Article 63, treaties of 1856 and 1871 in force where not inconsistent with treaty of Berlin: Article 64, ratifications.	894
519	.....do.....	Oct. 21	Bulgaria as affected by the war, and the treaties of San Stefano and Berlin.	913

## 2. EGYPT.

520	Mr. Farnam to Mr. Evarts.	1878. Feb. 13	The coal trade of Egypt: Imports from England; 300,000 tons at Alexandria; 250,000 tons at Port Said.	914
521	.....do.....	Feb. 12	General Grant received with royal honors in Egypt; is the guest of the Khedive.	915
522	.....do.....	Apr. 5	Extension of jurisdiction of international tribunal to include cases affecting members of the parquet: extrritorial rights enjoyed to fullest extent; criminal cases before consular courts; note of Cherif Pasha.	916
523	.....do.....	Apr. 10	Decree modifying code of procedure.....	920
524	.....do.....	June 8	Slavery exists as a domestic institution: Slave trade carried on secretly; manumission of three slaves from Central Africa secured; are received into mission school by Dr. Hogg.	920
525	.....do.....	July 3	American officers in Egyptian service, except General Stone and one other, discharged.	922
526	.....do.....	July 10	Extension of jurisdiction of mixed tribunals to civil and commercial cases in which parties are natives, discussed.	923
527	.....do.....	July 15	Indemnification of Colonels Dye and Colston for injuries received in Egyptian service.	923
528	Mr. Comanore to Mr. Evarts.	Aug. 8	Seeds of the Bamiah cotton plant sent to department.	924
529	.....do.....	Aug. 18	Speech of the Khedive accepting report of the Rivers Wilson commission of inquiry: Reforms promised; Nubar Pasha appointed president of the council; probable appointment of Mr. Rivers Wilson to the ministry of finance.	924

## TURKISH EMPIRE—Continued.

## EGYPT—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
530	Mr. Comanoe to Mr. Evarts.	1878. Sept. 3	New ministry constituted: letter of the Khédive; majority vote in council to determine questions; jurisdiction of mixed tribunals to be extended to all subjects; abolition of extraterritoriality to be attempted.	926

## 3. TUNIS.

531	Mr. Heap to Mr. Hunter....	1878. Jan. 25	Visit of the Gettysburg to various Tunisian ports: Consul and officers everywhere received with distinction.	929
532	Mr. Evarts to Mr. Heap....	Feb. 28	The president gratified at the reception met with..	931
533	Mr. Heap to Mr. Hunter....	Aug. 2	Increased tonnage-tax proposed to meet light-house expenses.	931
534	.....do .....	Aug. 13	Same subject: Consular recommendations respecting increase of tonnage-tax.	932
535	Mr. Evarts to Mr. Fish.....	Oct. —	Same subject: Increase of tax confirmed, if concurred in by other powers.	933

## URUGUAY.

536	Mr. Caldwell to Mr. Evarts...	1877. Nov. 15	Revolutionary movements: Ex-Minister Machain killed; quiet restored.	934
-----	-------------------------------	------------------	----------------------------------------------------------------------	-----

## VENEZUELA.

537	Mr. Baker to Mr. Evarts....	1878. June 5	The town of Cuá destroyed by earthquake; consternation at Caracas.	934
538	.....do .....	July 25	Observance of the Fourth of July: Public expressions of respect for the United States.	938
539	.....do .....	Aug. 14	The coffee crop of Venezuela and Brazil a partial failure.	939
540	.....do .....	Aug. 16	The country suffering from commercial depression; a revival dependent upon a good coffee crop.	940
541	.....do .....	Sept. 11	Superior order and civilization of Brazil recognized by press of Caracas; Brazil contrasted with other South American countries.	941
542	.....do .....	Sept. 13	Commercial depression: Short coffee crop; excessive contraband trade; uneasy political feeling.	943
543	.....do .....	Oct. 24	Constitutional convention convoked for December 10.	944
544	.....do .....	Oct. 29	Notable rainfall December 3: Extract from report of Society of Natural Sciences of Caracas.	947
545	.....do .....	Oct. 30	The national festival in commemoration of Bolívar.	948

# CIRCULARS.

---

No. 1.

*To the consular officers of the United States in Great Britain, France, Switzerland, Belgium, Italy, Austria, and Germany.*

DEPARTMENT OF STATE,  
*Washington, March 18, 1878.*

GENTLEMEN: The Secretary of the Treasury has represented to the Department, in a letter dated the 12th instant, the desirability of supplying the appraisers at the principal custom-houses in the United States, promptly and regularly, with trustworthy information respecting the prices of the productions of your several districts. It is stated that of some classes of staple goods no sales are made in the foreign markets to merchants in this country, but that all such goods are consigned by the foreign manufacturers to their agents in the United States for sale; and that in such cases, where the goods pay an ad-valorem duty, it is believed to be the practice to invoice them below the true market value abroad. This mode of consignment, instead of actual sale, is reported to be increasing annually, and the revenue is defrauded of large sums by manufacturers who thus escape the payment of the lawful duties, and at the same time inflict serious injury upon American industries.

To obviate, in some measure, these difficulties, it is recommended that the consular officers at the principal commercial centers of Europe should be instructed to transmit, at least twice a month, directly to the appraisers at New York, Boston, Philadelphia, Baltimore, New Orleans, San Francisco, Chicago, Cincinnati, and Saint Louis, or to such ports as receive the bulk of the goods invoiced at their several offices, and also, through this Department, to the Treasury Department, a statement showing the prices at which actual sales are made to other countries of the leading articles of export to the United States, without regard to the values stated in the invoices that pass through the consulate. If printed prices-current can be obtained, they should also be sent to the appraisers, and, if not, the information should be sought from the best sources available. In the case of staple goods, such as black silks, ribbons, velvets, gloves, woollens, &c., it is desirable that the statements should embrace full information respecting the value of raw materials, the cost of labor, and the whole cost of manufacture.

In approving these recommendations and suggestions, the Department takes occasion to enjoin upon you a careful attention to them, and that full and painstaking compliance with them which the importance of the subject is deemed to demand.

I am, gentlemen, your obedient servant,

F. W. SEWARD,  
*Assistant Secretary.*



## No. 2.

*To the consular officers of the United States in Great Britain, France, Germany, Belgium, Italy, Spain, the Netherlands, Sweden and Norway, and Denmark.*

DEPARTMENT OF STATE,  
Washington, April 11, 1878.

GENTLEMEN: With reference to the circular addressed to you in August, 1877, in respect to the trade of the United States with foreign countries, it is now deemed desirable that you should make inquiries and report in regard to the following points, viz:

1st. The rate of wages usually paid to laborers of every class, but with more especial reference to agricultural laborers, mechanical laborers, and those upon public works and railways.

2d. The cost of living to the laboring class, or the prices paid for what may be termed the necessities of life.

3d. So far as practicable, a comparison of the present rates with those prevailing during the past five years, both as to wages and cost of living.

4th. Such information as may be obtainable touching the present state of trade, whether prosperous or otherwise; the amount and character of paper money, if any, in circulation; and the amount and character of coin, with the relation borne by paper and coin to each other.

5. And, lastly, such information as may be obtainable as to the business habits and systems of your districts.

It is desired that the information which may come to your knowledge on the foregoing points should be embraced in a report to the Department, to be made as soon as may be practicable.

I am, gentlemen, your obedient servant,

F. W. SEWARD,  
Acting Secretary.

---

No. 3.

*To the consular officers of the United States in Great Britain, France, Switzerland, Italy, Austria, Belgium, and Germany.*

DEPARTMENT OF STATE,  
Washington, April 15, 1878.

GENTLEMEN: In connection with the subject of the circular addressed to you under date of the 10th of July, 1876, the Secretary of the Treasury has advised the Department that it is desirable that the samples of such imported merchandise as is transported in bond without appraisement to interior parts of the United States should be sent to the proper customs officer at the port of destination of the goods, instead of at the port of first arrival. It is represented that the samples referred to are received by mail and bear no marks to denote the destination of the goods; and as, in very many instances, the samples do not reach the collector of customs at the first port of arrival until after the goods have been shipped for immediate transportation to the interior port under section 2990 of the Revised Statutes, it is impracticable to forward them until it is too late to subserve the purpose for which they are intended. It is requested, accordingly, that when it appears from the invoices presented that the merchandise specified therein is consigned to and destined for some other port than that at which it will be first landed in

the United States, and is to be forwarded from the latter port under the section of the statutes adverted to, the samples should be transmitted to the chief customs officer at the port to which the merchandise is to be finally forwarded for appraisement.

I am, gentlemen, your obedient servant,

F. W. SEWARD,  
*Assistant Secretary.*

No. 4.

*To the diplomatic and consular officers of the United States at sea-ports.*

DEPARTMENT OF STATE,  
*Washington, August 21, 1878.*

GENTLEMEN: The Secretary of the Treasury has requested, under date of the 31st ultimo, that the Treasury Department may be informed, for the official use of the Surgeon-General of the Marine Hospital Service, of such foreign commercial and sanitary reports as can be obtained by you, showing important lines of water communication and land-transportation routes between various countries; the number, nationality, &c., of vessels entered and cleared at large ports; the population statistics, and all health and quarantine reports published, together with the health and quarantine laws and regulations now in force in the countries in which you respectively reside.

You are, therefore, requested to obtain and forward to this department the foregoing information, as far as it may be practicable for you to obtain it, at your earliest convenience.

I am, gentlemen, your obedient servant,

F. W. SEWARD,  
*Acting Secretary.*

No. 5.

DEPARTMENT OF STATE,  
*Washington, September 23, 1878.*

*To the consul of the United States at ——— :*

SIR: The Secretary of the Navy has informed the Department, under date of the 7th ultimo, that great facilities are offered on the coast of China for shipping coolies on board of vessels disposed to engage in the coolie trade contrary to law, and he suggests that instructions should be given to scrutinize very closely all American vessels arriving at your post with coolies on board.

It is desired, therefore, that you should exercise extreme vigilance in this respect upon all American vessels which shall arrive within your consular jurisdiction, and report to the Department the particular facts of any infraction of the laws on that subject which may come under your observation, as soon thereafter as possible.

I am, sir, your obedient servant,

WM. M. EVARTS.



# CORRESPONDENCE.

---

## ARGENTINE REPUBLIC.

No. 1.

*Mr. Osborn to Mr. Evarts.*

No. 153.]

UNITED STATES LEGATION,  
*Buenos Ayres, September 12, 1877. (Received October 30.)*

SIR: On the 7th instant President Avallenada received a dispatch that a revolution had broken out in the province of San Juan, and that Señor Doucel, the governor of the province, and his ministers, had been arrested and put in prison, and several persons had been killed and wounded.

From dispatches of a late date it appears that the cause of the trouble in that province was an attempt on the part of D. C. Sarmiento and his friends to depose Doucel and make himself governor of the province.

General Roca was at once ordered with troops to the capital of the province, and the President informed the revolutionary governor, Sarmiento, that he would not be recognized, but that the whole power of the national government would be brought, if necessary, to the support of the legally-elected governor of the province, Governor Doucel; whereupon the President received a dispatch from him, declaring his submission to the national government; hence the troubles in that province may be considered at an end.

The one great source of troubles to the national government in the past has been these provincial outbreaks. The people of the province become dissatisfied with the governor legally elected, and then undertake to depose him without form of law and make some one—for the time, a favorite—their chief. This procedure or attempted procedure has given rise to all the late outbreaks and troubles in the province of Santa Fé, which has caused such disaster to the business and prosperity of the province. The better class and the business men of the country now begin to believe—taken in connection with the late order of the President to the revolutionary governor of San Juan, that recently he sent the chief of his cabinet to Santa Fé to inform the people of the province that however much they might dislike their governor, and however many his faults, he would remain in his position until he was properly relieved under the law and constitution—that the provincial troubles and petty revolutions are about to be brought to an end.

I am, &c.,

THOS. O. OSBORN.

## No. 2.

*Mr. Osborn to Mr. Evarts.*

No. 157.]

UNITED STATES LEGATION,  
*Buenos Ayres, September 18, 1877. (Received November 3.)*

SIR: The report sent to Congress by the postmaster-general, Mr. Olivera, is now published, in a volume of some four hundred pages, and comprises the returns of the telegraph department, which is now under the postmaster-general.

The report shows the miles run by the mail service were: Mail cars, 3,174,274 miles; couriers, 616,274 miles; and steamers, 291,450 miles, in all, more than 4,000,000 of miles; and that the postmaster-general has effected a saving of more than \$222,000 from the sum voted in his budget, about one-half the limit fixed by Congress.

The postmaster-general states the business of the post-office at seven and a half millions of letters and papers for the whole republic, and, estimating the population at about 2,000,000 souls, he gives two letters to each inhabitant, making the proportion six letters per head in Buenos Ayres and from one to four in the other provinces.

He states that he anticipates an increase of traffic as soon as the Argentine Confederation is admitted into the Berne postal convention, and urges the necessity of making the post-office self-supporting by increasing the tax on newspapers, as the tax now scarcely pays twenty per cent. of the cost of carriage and distribution.

The report shows that the returns of the telegraph department for the past two or three years have been almost stationary, a result caused by the crisis partly, and partly by the decrease of population.

Besides the national government telegraph lines, there are sixteen other lines—in all, 4,530 miles, of which 2,675 miles belong to the general government—and the report claims that there is a mile of telegraph in the Argentine Republic for every 320 inhabitants, and, comparing this with other countries, claims that the Argentine Republic is, relatively, the foremost country in point of telegraphs.

I am, &amp;c.,

THOS. O. OSBORN.

## No. 3.

*Mr. Osborn to Mr. Evarts.*

No. 158.]

UNITED STATES LEGATION,  
*Buenos Ayres, September 19, 1877. (Received November 3.)*

SIR: The report to the Argentine Congress of the minister of war and marine, General Alsina, fills a volume of nearly one thousand pages, and shows that the Argentine Republic supports an army of 12,300 men of all arms on its list, and a navy of thirty-one vessels of war. The returns of the captain of the port show at present that there are 1,562 vessels of commerce carrying the Argentine flag, with an aggregate of 43,000 tons.

The army list shows 12 generals, 42 colonels, and about 700 officers of other grades. The national guards number 2,000, and the Indian auxiliaries 924. On the list of the survivors of the war of independence are 4 generals, 8 colonels, 3 lieutenant-colonels, and 14 officers of other grades, with 26 soldiers. The officers on the retired-list staff are 19.

In the navy, of the 31 vessels of war, 2 are iron-clads, and each iron-clad carries two 300-pounders, two 9 pounds, and two 4 pounds. Gunboats, there are six, and war steamers 16, and all are armed with heavy guns.

The report states that the expenditures for the army and navy for the past four years have steadily decreased, and that the estimates of 4,000,000 for the next year will be about 1,000,000 below the aggregate of the past few years.

The minister claims that the new frontier line established on the Buenos Ayres pampas in 1876 has proved a success. This line was established by digging a ditch 10 feet wide and 6 feet deep along the whole frontier, with redoubts planted at certain distances, manned by troops and artillery.

At first, this mode of establishing a frontier line against the Indians was considered as an experiment, and the government had doubts as to the result; but the minister states that since its occupation three attempts have been made by the Indians at inroads, and on each occasion they have been chastised.

The minister calls the attention of Congress to the new deep-water channel of "Inferno," surveyed and sounded by Capt. Hunter Davison, which may be made available for steamers of heavy draught going up the Parana and Uruguay Rivers. This channel is between the island Martin Garcia and the territory of Uruguay.

This channel, it is understood, was known many years ago, but was lost, and the channel on the west of Martin Garcia and on the Argentine side, although difficult of passage for vessels except of light draught at the time of low water, of late years has been used. The survey and soundings of Captain Davison have been kept secret (so it is supposed), to prevent the use of the channel by the Brazilians in case of trouble with this government; but as all difficulties have been, or are about to be, settled, no doubt the channel will soon be made available to commerce.

I am, &c.,

THOS. O. OSBORN.

---

No. 4.

*Mr. Osborn to Mr. Evarts.*

No. 160.]

UNITED STATES LEGATION,  
Buenos Ayres, October 3, 1877. (Received November 30.)

SIR: The ordinary session of the Argentine Congress closed on the evening of Sunday, the 30th of September.

The President sent in his "prorogue," which is simply calling an extra session of Congress, for a certain number of days, to consider certain measures named in his special message, which have not been considered, or but partially considered, in the ordinary session, and which, in his opinion, should be considered and passed by Congress.

Among the most important bills which have passed and been approved by the President was the bill to authorize the executive to spend \$267,000 in establishing a mint at Buenos Ayres to coin gold and silver money; copper coin to be imported and stamped here.

This measure is considered to be of much importance from the fact that the want of a national coin causes much inconvenience, and the

multiplicity of foreign coins results in much damage to the commercial interests of the country.

The act abolishing the old Spanish system of weights and measures and adopting the decimal system has become a law, and may be considered a step forward, and in harmony with the spirit of the age.

The measure which may be considered of the greatest national importance passed by Congress is the measure which authorizes the President to accede to certain modifications in the concession granted Mr. Clark some years ago. This concession was granted Mr. Clark in 1873, and he entered into contract with this government to build a Trans-Andine Railway and open through communication between Valparaiso, Chili, and the River la Plate by joining two railroads, one in the Argentine Republic and the other in Chili.

It appears that up to the present time little or nothing has been done by Mr. Clark to carry out his contract, on account of the crisis, and the difficulty of obtaining money in foreign markets without a government guaranty.

In the modified concession just passed by Congress, the Argentine Government guarantees to pay 7 per cent. in gold or in bonds, but in sufficient amounts to produce 7 per cent. in gold to the holders of the shares, whether the road earns it or not.

With this guaranty of the national government, and as Mr. Clark has a similar guaranty from the Government of Chili, it is believed that he will experience little or no difficulty in obtaining sufficient money in the London market to carry out the project; and but a short time will elapse before the "pack-mule" in the Andes will give way to the steam-engine, and direct and rapid communication will be had between the Pacific coast and the River la Plate.

The custom-house law for 1878 failed to pass because of a disagreement of the senate and house of deputies on certain modifications adopted by the senate. The law will be considered in the special session.

I have, &c.,

THOS. O. OSBORN.

---

No. 5.

*Mr. Osborn to Mr. Evarts.*

No. 162.]

UNITED STATES LEGATION,  
Buenos Ayres, October 8, 1877. (Received November 30.)

SIR: The proclamation of amnesty, in the annual message of President Avellaneda to the Argentine Congress of May last, and noted in my dispatch number 140, to all in exile, and the restoration of the officers of the army to their former ranks, who were implicated in the revolution of 1874, was formally accepted on yesterday (Sunday, October 7) at a public meeting in the Plaza, in front of the government house, by General Mitre and his political friends.

Since the date of the President's message many conferences have been held, from time to time, between General Mitre and his friends on the one side and the President and General Alsina, who is considered the real leader of the government party. As a result of the common understanding and reconciliation arrived at between the parties, a change in the cabinet of the President has taken place, in which Dr. Irigoyere, who, up to the 2d instant, was minister of foreign affairs, has been appointed

minister of the interior and chief of the cabinet; Dr. Don Rusino de Elizalde as minister of foreign affairs. Dr. Elizalde was minister of foreign affairs under the administration of President Mitre, and at the breaking out of the revolution of 1874, left the country and went to Montevideo.

Dr. Don Carlos Tejedor, who was minister of foreign affairs under the administration of President Sarmiento, has been nominated governor of the province of Buenos Ayres, on the reconciliation ticket, and will doubtless be elected.

After the meeting in the Plaza, General Mitre, Alsina, and the governor of this province, arm in arm, marched to the government house, where lunch was spread, and to which the President had invited the leaders of both parties, government officials, the diplomatic corps, and many ladies. Speeches were made by the President, General Mitre, Alsina, and others, after the reading by the secretary of the following address:

The committees of the rival parties which have agreed on reconciliation congratulate the people on this great event, which makes Argentinas one great family. Now we may expect peace will bring us order, liberty, and progress; every man will be able to vote according to conscience as a free citizen. Some months ago the United States set us this example, and now we shall all do our best to follow in the glorious footsteps of Moreno, Rivadavia, and Belgrano.

General Mitre and companions accepted their restoration to the army.

The reconciliation appears to be complete, and it is hoped that it may be lasting.

I am, &c.,

THOS. O. OSBORN.

No. 6.

*Mr. Osborn to Mr. Evarts.*

No. 179.]

LEGATION OF THE UNITED STATES,  
Buenos Ayres, March 5, 1878. (Received April 29.)

SIR: Soon after the consummation of reconciliation between the two political parties of this country, and a change in the cabinet had taken place, in which the office of minister of foreign affairs was conceded to a "Metrista," Dr. Elizalde, the Chilean minister then at Rio de Janeiro, was assured by Minister Elizalde that if he would return to Buenos Ayres the disputed boundary-line question—in Patagonia, between Chili and the Argentine Republic—could be at once put in the course of final settlement.

For weeks after the return of the Chilean minister to Buenos Ayres it was reported and believed a basis of settlement had been agreed upon by the ministers, and approved by their respective governments; but the later information to be had, and I think it is quite reliable, although both parties are very reticent, is, that a settlement is no nearer completion than at any other period in years past, in consequence of a complication which arose in the arrest and imprisonment of, and the refusal of this government to deliver up to the Chilean minister, the "Santa Cruz criminals."

It appears the Chilean mutineers at Sandy Point on leaving that place took an inland route to render pursuit more difficult, and marched some three hundred miles to Santa Cruz, on the Patagonian coast, where some seventy were captured by the Argentine authorities, and brought to this



city on the Argentine war vessel Parana and confined in the penitentiary.

To the demand of the Chilian Government for the surrender of the mutineers for trial in Chili as such, the Argentine Government replies that the mutineers, on the march up from Sandy Point to Santa Cruz, murdered some forty of their own comrades on Argentine territory, and they must take their trials under Argentine laws.

It appears that the territory in which the murders were committed is a portion of the disputed territory involved in the question of the boundary-line between the two governments; hence the present complications attending the main question.

I have, &c.,

THOS. O. OSBORN.

---

No. 7.

*Mr. Osborn to Mr. Evarts.*

No. 181.]

LEGATION OF THE UNITED STATES,  
*Buenos Ayres, March 14, 1878. (Received April 29.)*

SIR: It was finally determined in cabinet meeting to intervene in the disturbances in the province of Corrientes, on the formal request of Dirqui, the governor in possession; and the President issued a decree notifying all parties in arms to disperse, and placed the national forces at the command of Minister Raza, the government commissioner.

The telegraph-lines are cut and communication between Buenos Ayres and the province is difficult and tardy, but it is known here that another battle has been fought between the State troops and the rebels near Goya, and the State troops were defeated, and all of the infantry were taken prisoners. The numbers engaged on each side are estimated at two thousand.

A few days ago the President sent Colonel Arias, to whom General Mitre surrendered (which closed the Mitre rebellion some four years ago), to the seat of war to take command of the national forces which will follow him.

Under the Argentine constitution the President is elected for six years, and is ineligible to a re-election until at least one term has passed. President Avellanada was elected four years ago, and has but two years yet to serve, and it may be said that the next Presidential campaign has already opened in the province of Corrientes, and the perfect reconciliation of the old political parties was not fully accomplished, except between the leaders in the capital, as Dr. Dirqui and his party are of the administration party and the rebels are said to be the old "Mitrista" of the province; hence, when the question of national intervention was presented to the cabinet, the two "Mitrista" cabinet ministers opposed the intervention, but the President and the other ministers determined to intervene and support Dirqui, and that policy has awakened to a certain extent the old party feelings, and, unless a compromise is effected, will result sooner or later in a rupture or in a change of the present cabinet. This result, however, may be avoided by a compromise, by way of a new election in the province for governor, as it is reported that commissioners from the rebels are on the way to Buenos Ayres to lay before the President a proposition to lay down their arms if the President will guarantee a new election, as the return of Dirqui, it is claimed, was accomplished by fraud.

If it should prove to be true that commissioners are on the way with such a proposition, I do not think the President will receive them officially but in a friendly way, to assure them that peace must be restored to the province before any guarantee can be given.

Dr. Iriondo, the late chief of the President's cabinet, has been proclaimed governor of the province of Santa Fé. It is claimed that he was unanimously elected, as the opposition refused to vote, in consequence of armed troops being stationed around the polls, and rumors of threatened troubles in that province are current.

The province of Santa Fé and other provinces, as well as the southern part of this province, have of late suffered from rains and floods. From what we learn from Santa Fé the destruction must be terrible, as immediately on the receipt of dispatches from that province the President held a special session of the cabinet in order to decide on the best means of giving relief to the unfortunate.

Two cases of yellow fever have been reported in this harbor, which caused much alarm in the city, and the authorities to impose rigid quarantine regulations.

Both cases were brought from Rio de Janeiro and both patients died on shipboard. The report of several cases of yellow fever in Montevideo caused the authorities here to decree a quarantine of eight days against that city.

The weather is extremely hot, but the city still remains healthy, and it is hoped that Buenos Ayres may escape that terrible scourge which caused the death of nearly twenty-five thousand of her inhabitants but a few years ago.

I have, &c.,

THOS. O. OSBORN.

---

No. 8.

*Mr. Osborn to Mr. Evarts.*

No. 182.]

LEGATION OF THE UNITED STATES,  
Buenos Ayres, *March 23, 1878.* (Received May 16.)

SIR: The rebellion in the province of Corrientes is over. Eight thousand men have laid down their arms at the command of the national government. The surrender was made on the general promise of the national government that full justice to the people of the province would be granted.

The President in his last proclamation commanding the rebels to hand over their arms to Minister Plaza, the government commissioner, said:

You cannot look for other guarantees than what the justice of the nation accords, and this I explicitly promised you. I am resolved to decide with the utmost impartiality and honor the questions affecting the province of Corrientes. It is no longer a question of local politics, but of obedience to the national government, and to the decrees, which, in my quality of chief magistrate, are issued by me with the force of law. A refusal to lay down your arms would be open rebellion against the national government, and which would at once be crushed by the federal troops.

There has been no decision as yet as to who is the rightful governor of Corrientes; there appear to be no provisions for a new election unless Dirqui should resign, which as yet he has declined to do, and the

cabinet is not a unit in reference to the question. For solution it may be turned over to the courts.

On the 1st of April the Argentine Republic will enter upon a postal service in accordance with the Berne postal treaty.

I have, &c.,

THOS. O. OSBORN.

No. 9.

*Mr. Osborn to Mr. Evarts.*

No. 184.]

LEGATION OF THE UNITED STATES,  
Buenos Ayres, April 26, 1878. (Received June 12.)

SIR: The ministerial crisis in the national cabinet was reached on the 24th instant, and on the withdrawal of Dr. Rufino de Elizalde, minister of foreign affairs, and Dr. José M. Gutierrez, minister of public worship and instruction, the President reconstructed his cabinet, which is now composed of Dr. Barnardo de Yrigoyen, who resumes the post of minister of foreign affairs, Dr. Saturnino Laspur, minister of the interior, Dr. W. Pacheco, minister of public instruction and worship, with the other minister, who retains the same post held before reconstruction.

The retirement of Drs. Elizalde and Gutierrez was caused by the policy adopted by the administration in reference to the political troubles in the province of Corrientes.

It is reported that the armed forces in opposition to Dirqui, who claims to have been legally elected and in possession, surrendered and delivered up their arms on the condition, granted by the President, that Dirqui should resign and a new election should be ordered, whereas Dirqui, it is claimed, is still kept in possession by the administration in order to prevent a new election, which would result in a defeat of the administration party in that province.

The withdrawal from the cabinet of the two ministers who went into the cabinet as the representatives of the "Mitre wing" of the party which adopted the platform of reconciliation for the good of the country, about one year ago, it is believed will disturb the future peace and harmony hoped for from that party, if it does not entirely destroy the good understanding arrived at, and mark the old party lines more distinctly than ever. This is indicated not only by the declaration of some of the leaders, but more especially by the "old partisan" press, which adopted reconciliation, but now speak out against the policy of the administration with much bitterness.

It may be doubted that since the death of General Alsina, the late war minister and the master spirit of the new order of things, if the party of reconciliation has much strength beyond this province; as reports almost daily reach this city from several of the upper provinces of political disturbances in actual existence or threatened.

But a few nights ago, in the capital of the province of Santa Fé, a revolution was attempted by an attack on the city by an armed force, about nine o'clock at night; the attack was repulsed, as the governor, Iriondo, had sufficient notice to receive it, but with a loss of some thirty lives; and the governor only saved himself by taking refuge on the top of a church.

All these movements doubtless have in view the next Presidential election, and there appears to be but little hope for a better outlook until that is past.

I have, &c.,

THOS. O. OSBORN.

## No. 10.

*Mr. Osborn to Mr. Evarts.*

No. 189.]

LEGATION OF THE UNITED STATES,  
*Buenos Ayres, May 14, 1878. (Received June 26.)*

SIR: The annual session of the Argentine Congress was formally opened by the reading of the message by the President on the 6th instant to both houses of Congress in the chamber of deputies.

The President, after saluting the senators and deputies, and assuring them that every year constitutional principles are striking their roots deeper, opens his message by referring to the conciliation policy adopted by the administration, and says that many European and American statesmen were so impressed with that policy at Buenos Ayres, that they ask themselves if such were not preferable to the system of repression used in Europe which perpetuates violent rancor, and, as a proof of the success of the policy of conciliation, refers to the fact that three millions of Argentines united in the celebration of the centenary of St. Martin.

The President claims that there is peace in the republic, but that in two or three of the provinces a bad state of affairs exists; that the revolt in the province of Sante Fé had been suppressed by Governor Iriondo with superior force, and that the national government had intervened, on the call of Governor Dirqui, in the province of Corrientes for the purpose of maintaining peace in that province, and that he now submits the whole matter to Congress for solution, and recommends, for the peace and the prosperity of the province, that a new election should be called for the purpose of designating the governor of the province under the auspices of national intervention which should secure free suffrage to all.

It appears from the message that the total national debt amounts to \$61,277,802, of which more than one-half are European loans, and the balance a home debt, except about two millions called the floating debt. These figures show a reduction of the national debt in the year 1877 of more than \$4,000,000 from that of the year 1876.

The President congratulates Congress, that although the revenue did not come up to or meet expectations, the government has spent \$8,000,000 less in the year 1877 than Congress had authorized, and claims that the apparent decline of 7 per cent. in the exports was due to the fact of reduced valuation on wool and hides, &c., as it was found that the quantities exported in 1877 exceeded those of the year 1876, but the valuation was reduced 15 per cent.

The number of immigrants to this country for the year 1877, is summed up as 29,000, the same as for the previous year, and the message claims that it is more than the aggregate of arrivals from Europe to all the other countries of South America.

With reference to foreign affairs in the message, the President states that the relations with all countries are friendly, and that Congress will hear with pleasure that protocols of a treaty, putting an end to the long and vexed questions with Chili, have been signed and approved by both governments; that the question at issue will be left to arbitration. This statement is questioned, and a portion of the native press, *La Tribuno* and *La Libertad*, published in this city, claim that the statement is incorrect; that the only agreement arrived at is to leave it to arbitration, and that none of the details are settled as a basis for arbitration, and that Barros Arana, the Chilian minister, has expressed his discontent in reference to the statement in the message. The matter is still being

discussed by the press; and Dr. Elizalde, late minister of foreign affairs, comes out in a letter to the public supporting the statement in the message, that everything had been agreed upon and arranged for arbitration. It is probable that nothing will be definitely known until the President lays the matter before Congress for approval.

The President made but little or no reference to the ministerial crisis (noted in my dispatch No. 184) in his message, which continued until some three days after the opening of Congress. At the date of my dispatch, numbered 184, it was reported and understood that the ministers appointed and assigned to their respective departments by the President in the reconstruction of his cabinet had accepted, but after the lapse of a few days it was found that the newly appointed ministers declined to accept, and that Drs. Irigoyen and Plaza had tendered their resignation.

The resignation of Dr. Irigoyen was accepted, but the President declined to accept that of Dr. Plaza, minister of finance.

On the 8th instant the President completed the reconstruction of his cabinet, and it is now composed of Drs. Laspur, minister of interior; Plaza, minister of finance; Lastra, minister of worship; General Roca, minister of war and marine; and M. A. de Montes de Oca, minister of foreign affairs.

I have, &c.,

THOS. O. OSBORN.

No. 11.

*Mr. Garcia to Mr. Evarts.*

[Translation.]

ARGENTINE LEGATION,  
Washington, November 29, 1877. (Received Nov. 30.)

MR. SECRETARY OF STATE: With real satisfaction I transmit to you copies of two dispatches which I have just received from the minister of foreign relations, with instructions to bring their contents to the knowledge of the President.

The lofty and patriotic policy inaugurated by the present administration, supported by public opinion in that country, begins to produce the most beneficial results in the Argentine Republic, which feels it an honor, and has always done so, to imitate the examples furnished by the Great Republic to the democracy of America.

My government hopes that the friendly relations which exist between the two countries will be daily more firmly consolidated, to produce which result the development of our mutual commercial interests contributes in an eminent degree.

I take liberty to inclose, at the same time, a copy of the addresses delivered by the President of the republic on the occasion of the popular assemblage held at Buenos Ayres for the purpose of ratifying the conciliation of parties in the Argentine nation.

I avail, &c.,

MANUEL R. GARCIA.

[Inclosure 1.—Translation.]

*The minister of foreign relations to Mr. Garcia.*

BUENOS AYRES, October 15, 1877.

MR. MINISTER: The policy inaugurated by the President of the republic in the message which he addressed to Congress on opening the sessions of this year, and the acts performed by him, have been followed by a result which surpasses the hopes even of those who were most sanguine concerning this far-seeing attitude which he assumed with patriotic sentiments.

Yesterday, on leaving the Temple at the conclusion of the solemn Te Deum, at which nearly the entire population of Buenos Ayres was present, the President found the republic in all the plenitude of its moral and material power, thus reaping the well-earned fruit of a policy which is destined to redound to the welfare of the country and of the nations with which we are on terms of friendship.

For the first time since our emancipation, the republic has a national authority, which, controlling all its elements, can rely upon the support of all its inhabitants, both native and foreign.

The republic needed this power in order to maintain its friendly relations with all nations on a footing of reciprocal justice and equity, and Divine Providence will inspire the President so to use this power as to draw closer its relations with friendly nations and to maintain them cordially.

Your excellency will endeavor to make known these facts and statements to the government to which you are accredited, for the sake of the mutual benefits which they cannot fail to produce.

God guard your excellency many years.

RUFINO DE ELIZALDE.

To Dr. MANUEL R. GARCIA,

*Minister Plenipotentiary and Envoy Extraordinary of the Argentine Republic.*

[Inclosure 2.—Translation.]

*The minister of foreign affairs to Mr. Garcia.*

BUENOS AYRES, October 20, 1877.

MR. MINISTER: Internal order being secured by the aid of the whole people, it only remains to settle the Chilian question, which is the only one that disturbs the peace of the republic with other nations.

I entertain the hope of continuing the negotiation which was left open and pending, and which was conducted by my predecessor with a zeal and tact that entitle him to the gratitude of the country. I entertain this hope, I say, because the Chilian minister is expected every moment from Rio de Janeiro, and I have satisfactory evidence that he has received orders from his government.

I have prepared all the drafts for the conclusion of the necessary conventions according to the agreements made by the Argentine and Chilian ministers. These drafts have been approved by the government and by competent persons.

There is every reason to hope that the new negotiations will be successful, provided Chili will agree to reasonable conditions.

God guard your excellency many years.

RUFINO DE ELIZALDE.

To Dr. MANUEL R. GARCIA,

*Minister Plenipotentiary and Envoy Extraordinary of the Argentine Republic.*

No. 12.

*Mr. Evarts to Mr. Garcia.*

DEPARTMENT OF STATE,

Washington, December 7, 1877.

SIR: I have had the honor to receive your note of the 29th ultimo. It is accompanied by a copy of two instructions which have recently been addressed to you by your government, which you say you have

been directed to communicate to this. I thank you for the opportunity of reading them. They indeed indicate a high and patriotic policy, the good effects of which it is gratifying to learn from you had already become apparent. Such a policy does honor to the enlightened statesmen who now guide the destinies of the Argentine Republic, and cannot fail to develop the rich physical resources comprised within its limits, to preserve internal peace and strengthen friendly relations with all foreign powers, especially with the United States.

I also thank you for the copy of the addresses of the President of that republic to which you advert.

I avail, &c.,

WM. M. EVARTS.

No. 13.

*Mr. Garcia to Mr. Evarts.*

[Translation.]

ARGENTINE LEGATION,  
*Washington, March 23, 1878. (Received March 23.)*

Monsieur le MINISTRE: Next Monday, March 25, I shall have the honor to present the memorial, documents, charts, and books, relating to the question of boundaries between the Argentine Republic and Paraguay, submitted to the arbitration of his Excellency the President of the United States.

If it is considered necessary to designate a day to personally deliver said documents to his Excellency the President, I will thank you to inform me.

Please accept, &c.,

MANUEL R. GARCIA.

No. 14.

*Mr. Evarts to Mr. Garcia.*

DEPARTMENT OF STATE,  
*Washington, March 23, 1878.*

SIR: I have the honor to acknowledge the receipt of your note of this date, representing that on the 25th instant you intend to present the memorial documents, charts and books, relating to the question of boundaries between the Argentine Republic and Paraguay, submitted to the arbitration of the President of the United States. You also request that you may be informed if it should be considered necessary personally to deliver those documents to the President. In reply I have to state that that course is not regarded as necessary on your part.

I avail, &c.,

WM. M. EVARTS.

No. 15.

*Mr. Garcia to Mr. Evarts.*

[Translation.]

ARGENTINE LEGATION,  
*Washington, March 25, 1878. (Received March 25.)*

MR. SECRETARY OF STATE: According to the stipulations of Article 8, of the treaty of limits between the Argentine Republic and that of Paraguay, I have the honor to present the memorandum and the documentary evidence of the sovereign rights of my government to the territory comprised between the Verde, Paraguay, and Pilcomayo Rivers. In this memorandum will be found a historical discussion of the section of the Chaco, situated south of this latter river, from its principal branch; this zone is no longer a subject of dispute, according to the aforesaid treaty of limits. Thus the territory which is submitted to the decision of the President embraces, to the north of the principal branch of the Pilcomayo, 25° 20' south latitude, according to the plan of Mouchez, as far as the Rio Verde, 23° 10' south latitude, including the Villa Occidental; this territorial area being bounded by the Paraguay River on the east.

The task of the plenipotentiaries who are charged with the defense of the respective claims of the two countries being confined to the simple presentation of memorandums, documents, plans and references, this one is limited to a refutation of the arguments advanced by Mr. Miranda in behalf of Paraguay in the counter-memorandum of 1873, and by Mr. Falcon in 1871.

I have considered a translation of all the documents unnecessary or superfluous, contenting myself with indicating the main points; others are sent in Spanish, especially those of reference, the translation of which I have not thought indispensable. I am ready, however, to give such explanations as may be deemed necessary, and to supply the complement of the proofs that may be required, as also to furnish any authentications or translations that may be designated.

The memorandum consists of 155 folios, and the accompanying documents of 314. The maps which illustrate the memorandum are the following: No. 1, map of the Vice-royalty of Buenos Ayres, by Don Felix de Azara; No. 2, map of the Vice-royalty of Buenos Ayres, by Don Miguel de Lastarria; No. 3, map of Paraguay, by E. Mouchez, lieutenant in the French navy; No. 4, map of the Chaco, and of Paraguay, by Azara; No. 5, chorographic map of the Vice-royalty of Buenos Ayres, by Lastarria; No. 6, extract from the map of South America, by Don Francisco Requena; No. 7, extract from the general map of South America, by Don Juan de la Cruz Cano y Olmedilla. Maps 2 and 5, made by Lastarria, are exhibited only temporarily, a duly authenticated photographic copy having been ordered to take the place of those now sent.

I also take the liberty of adding the following works, which are referred to in the text: "Limits between Paraguay and the Argentine Republic," by Messrs. Saravia and Trelles, 1 vol., 2d; "Posthumous Memoirs of Don Felix de Azara on the agricultural condition of Rio de la Plata," 1 vol., 3d; Memoirs (Report?) of the ministry of foreign relations of the Argentine Republic, 1874-1876, 2 vols., 4th; "Our Bolivian Frontier," by Juan M. Sequizaman, 1 vol., 5th; "Extract from the papers of Father Francisco Aman Gonzales," copied from the manuscript annexed to that of Don Miguel de Lastarria, entitled "Eastern Colonies of the



Rio de la Plata," National Library of Paris, section of Spanish manuscripts, Nos. 170 and 171, Supplement F, 1486, and numbers 6, 7, and 8.  
I avail, &c.,

MANUEL R. GARCIA.

No. 16.

*Mr. Evarts to Mr. Garcia.*

DEPARTMENT OF STATE,  
Washington, March 30, 1878.

SIR: I have the honor to acknowledge the receipt of your note of the 25th instant, together with a memorandum and documentary evidence relating to the claim of your government to the territory comprised between the Verde, Paraguay, and Pilcomayo Rivers, and to say in reply, that the question of the validity of the claim thus made will receive the careful examination which it merits.

I avail, &c.,

WM. M. EVARTS.

No. 17.

*Mr. Evarts to Mr. Garcia.*

DEPARTMENT OF STATE,  
Washington, November 13, 1878.

SIR: I have the honor to inform you that the President has taken into deliberate and mature consideration your note to this Department of the 25th of March last, with the accompanying documents, books, and maps, relative to the question submitted to his arbitrament by the Governments of the Argentine Confederation and Paraguay, in regard to the ownership of the territory on the west bank of the Paraguay, between the main branch of the Pilcomayo and the Verde Rivers. The conclusion which he has reached is embodied in the instrument\* which I have the honor to inclose, and decides the question in favor of Paraguay.

I avail, &c.,

WM. M. EVARTS.

No. 18.

*Mr. Garcia to Mr. Evarts.*

ARGENTINE LEGATION,  
Washington, November 13, 1878.

SIR: I have duly received the note of the 13th instant, whereby I am informed of the decision of the President of the United States in the question of limits between the Argentine Republic and Paraguay, said decision being in favor of the latter. I shall communicate this decision to my government without delay, and I return thanks to the President for the service which he has been pleased to render to my country by his examination and decision of this question.

I avail, &c.,

MANUEL R. GARCIA.

\* For inclosure see note to Paraguayan minister, post.

## AUSTRIA-HUNGARY.

No. 19.

*Mr. Kasson to Mr. Evarts.*

No. 24.]

LEGATION OF THE UNITED STATES,  
Vienna, November 10, 1877. (Received December 3.)

SIR: In my dispatch No. 23, I called your attention to the rupture of the negotiations for a new commercial treaty between this empire and that of Germany, and to the political significance and influence of this failure, especially upon the relations of Austria and Hungary.

In view of the effort already indicated to revise our own tariff by the American Congress, it may be useful to call your attention to the effect of some of the provisions for free-trade introduced into the Austro-German commercial treaty of 1867, on account of which Austria has denounced that treaty. I also inclose herewith original text and translation of the new tariff bill proposed to Austria-Hungary by the government, with a view to obviate the injuries to Austrian industry brought on by the too liberal provisions of the treaty of 1867.

I. The most startling commentary on that very liberal treaty is found in the aggregate result to Austria of less than ten years' operation under it. This result is summed up in an augmentation of  $6\frac{1}{2}$  per cent. of Austrian exports to Germany; of German exports, on the other hand, to Austria there was an augmentation of about 94 per cent. This was certainly a loud enough warning to awake the dullest statesman to the necessity of a change of policy by Austria.

There was one special provision of the treaty which was disastrous to certain Austrian manufacturing interests, arising from an unguarded clause, which allowed goods sent from Austria to Germany to undergo a finishing process, to be reimported into Austria duty free. The sagacious manufacturers along the Rhine sent their raw goods, subject to slight Austrian duty, into this empire, whence they were reforwarded to Germany for the finishing process, under the treaty, and then returned duty free, ready for market, offering a ruinous competition to Austrian fabrics.

In the last year for which I have seen the statistics, about 20 per cent. only of the whole German international trade was with Austria; while about 33 per cent. of that of Austria was with Germany. Thus upon (say) one-fifth of her foreign commerce Germany, under this free trade, gained over 90 per cent.; while Austria, on one-third of her foreign commerce, with the same free trade, gained an insignificant 6 per cent.; at the same time she necessarily lost also so much of her home market as the Germans gained.

Again, while Austrian duties were collected in silver and German in gold, there was another relative loss to Austria of about 15 per cent. of the duties assessed. Austria, having only the silver standard, suspended payment, even in silver, in 1848, and, notwithstanding the late relative depreciation of silver, has never since been able to resume specie payments. As the poorer money always expatriates the more valuable, silver has ceased to circulate, and the people have only irredeemable paper for their use. The paper is depreciated because it is unredeemable in silver; and the silver is depreciated because it is not the equivalent of gold; consequently, this empire, having been compelled to effect

loans in the money recognized by Europe as the best, is obliged in turn to buy gold of Europe at a serious loss to pay the interest on her gold debt. Gold not being her standard, her custom duties are hitherto payable in silver. To remedy this evil and to lighten this burden, she notified Germany that henceforth herself, also, must collect duties in gold; to which naturally Germany objected, as it was so much increase of duty as was equivalent to the premium on gold.

II. On the other hand, Germany finds herself impeded in respect to her liberty of action *vis-a-vis* with France, owing to the "most-favored-nation" clause of her treaty. Austrian wines are allowed to come in at a low rate, and this is understood to bind German action in respect to French wines. The German Government, upon this and some other points, desires to recover liberty of action.

In fact, it is believed here, in many quarters, that both governments feel the necessity of retracing their steps taken under the free-trade impulse of the last decade, from 1860 to 1870. I concur in this belief. Austria has been so seriously injured by the provisions of her treaty, that she has abundant reason for demanding its termination. Germany desires new arrangements with France; and, while recovering her liberty of action, prefers that the responsibility of terminating this free-trade treaty should rest with Austria, that she herself may then increase her tariff, with reference to German interests, without advertising an abandonment of the free-trade policy.

III. As far as my observation extends, the European governments (continental) are very generally reviewing all their commercial relations and interests in the sense of self-protection. The era of extraordinary development of both production and consumption, beginning in the last decade and extending in this until 1873, rendered the nations inattentive to the inevitable results, when both supply and the power of fabrication should overpass the legitimate demand for them. This period was reached before, but not discovered until 1873. The surplus of both power and production then ascertained must be used or disposed of at whatever loss. In the effort to find a market for this surplus it necessarily followed, first, that the lowest barrier (by custom charges) would first and longest receive the overflow which the home market refused; and, second, that the lowest cost of production would first supply, and latest withdraw from, the country having the low barriers. So, in the ultimate solution, free-trade subjected its jurisdiction to the industrial control of that country which provided its supplies at the lowest cost, and the home competition was nullified or destroyed in the emergency which pressed hardest on the country; and home resources were diminished and home independence overthrown. Such has been the experience of Austria, from which she hopes now to recover by better arrangements for resisting foreign aggression upon her industries.

IV. The conclusions which I draw from my observation of the present commercial movements and their causes are as follows:

First. Customs duties should be collected in the best and least variable standard money used by any of the commercial nations with which we have intercourse.

Second. The customs barrier should be always sufficiently high to prevent the overflow of other nations from inundating the home industries which are necessary to national independence, so that they cease to be maintainable.

Third. That for general application the "most-favored-nation" provision is the safest for the basis of commercial treaties, as it leaves free the national right of adjusting tariffs according to national interests, which do not always continue the same.

Fourth. That for special relations with certain countries, "reciprocity" treaties, being free from the jurisdiction of the "most-favored-nation" clause, afford the means for developing national trade in special and profitable interests by a mutual purchase of special privileges.

V. I beg to call attention to the proposed stipulations in the new tariff bill of this empire, intended to secure the "most-favored-nation" treatment for Austrian ships and merchandise by foreign nations in the absence of a treaty. Also to provisions of Article XIII, in respect to coin offered for duties.

It is proposed that this tariff shall take effect on the 1st of January next.

I am, &c.,

JOHN A. KASSON.

[ Inclosure in No. 24.—Translation.]

# PROJET OF A BILL FOR THE GENERAL CUSTOMS TARIFF OF THE AUSTRO-HUNGARIAN EMPIRE.

ARTICLE I. The provisions of this law apply to the general departments of customs and commerce of the Austro-Hungarian Monarchy, and have no force outside of the customs jurisdiction, nor in the special department of customs of the Kingdom of Dalmatia.

ARTICLE II. All goods imported are subject to duty, if not expressly declared free, and are subject to that duty which is prescribed in the accompanying tariff of entrance duties to which the goods belong. Where it is not expressly otherwise provided in the tariff, goods subject to the excise of consumption are further liable, according to the relative legal provisions, to the internal duties of consumption, and the additional payments of the state, land, or district duties. For the through shipment of goods there is no duty. In exportation those objects only which are mentioned in the accompanying tariff of export duties are subject to such duty as is therein prescribed.

ARTICLE III. Goods which come from states which treat Austrian and Hungarian ships, or the goods of Austrian and Hungarian manufacture, less favorably than those of other states are subject in importation, in addition to the duty contained in the tariff, to an additional tax of 10 per cent. of the regular duty, and if they are declared free of duty in the tariff, to a specific tax of 5 per cent. of the commercial value of the goods, to be fixed according to ordinance.

ARTICLE IV. An alphabetical list of goods, to be issued according to ordinance, will fix the detailed order of the different objects in their proper positions in the tariff of customs according to its meaning and acceptance; when necessary the same can be enlarged and changed. In the same manner newly discovered chemical products, being unplaced in the tariff, would belong to the table of rates 64, E) 3, shall be placed with regard to their composition and use in another table of rates.

ARTICLE V. Goods composed of different stuffs which do not belong to small ware (T. div. 61), or are not otherwise taxed in the tariff, as well as mixtures whose component parts belong to different tables of rates, are to be taxed according to their chief constituent parts, and if the same is doubtful according to that constituent part which is taxed highest in the tariff. More detailed regulations are reserved for special ordinances.

ARTICLE VI. The import and through transit of articles of the government monopoly (cooking salt, gunpowder, tobacco, and tobacco goods) is only allowed by permission of the competent authorities. The government is empowered according to ordinance to limit the trade in certain goods for public reasons, and especially for sanitary and precautionary reasons. Until further notice the rules bearing on this subject remain in force.

ARTICLE VII. The following articles are duty free:

1. Articles for the personal use of the Emperor.
2. Articles for the personal use of diplomatic personages, accredited to the imperial royal court, in accordance with special regulations.
3. Leaf-tobacco for national factories; further, cooking salt, gunpowder, and articles of tobacco for the national stores, or bought by inhabitants of the duty-free districts from the depots of consumption there.
4. Products of the government mines from the imperial royal factory in Trieste.
5. Military articles, such as uniforms, articles for armament, weapons, munitions, army supplies (including bedding, medicinal and hospital requisites); further, horses passing between bodies of troops or marine establishments in and out of the customs

districts, blasting-powder and explosive material for military technical experiments of army organization.

6. Official requisites which are sent by state officials from abroad into the customs jurisdiction.

7. The possessions of emigrants from abroad and from without the customs jurisdiction into it; also machines, and parts of machines, factory and hand tools belonging to the same, so far as these articles are intended for their own use, appear to be appropriate to their circumstances and show evidence of continued use; articles of dowry for persons who, in consequence of their marriage, emigrate into the customs jurisdiction, as far as they are appropriate to their circumstances. From this exemption from duty are, however, excepted all articles subject to a tax for consumption, cattle, unfinished cloths, and half manufactured articles; further, raw goods.

8. Articles of inheritance, such as furniture, house, bed, and kitchen articles, clothing, bed, body, and table linen, used factory and hand tools, &c., in so far as they serve the personal use of the heirs and are appropriate to their circumstances. From this exemption from duty are excepted the articles named in article VII, section 3.

9. Articles of art and science which are for collections of public scientific and artistic establishments, works of Austrian and Hungarian artists residing abroad.

10. Anatomical preparations, skeletons, corpses.

11. Old articles (antiques, antiquities), if their form allows of no doubt that their value consists chiefly in their age, and are intended for no other purpose and use than for collections.

12. Articles of judicial procedure.

13. Decorations bestowed, according to ordinance the right is reserved to arrange the formalities with regard to Article I, and moreover in accordance with the necessary proofs and conditions. For the present, the actual rules in this respect remain in force.

ARTICLE VIII. Further, the following articles are duty free:

1. Effects of travelers, such as underclothing, clothing, bedding, traveling gold and silver ware and other articles of value, tools of the workmen, as well as the articles and instruments of artists, clothing of carriers and sailors, books, articles of nourishment, medicines for use during the journey, tobacco to an amount specially provided for (at present not more than 35 grams or 10 cigars), in as far as these articles are intended for the personal use of the traveler, and as regards quality and quantity are appropriate to the position and other circumstances of the traveler. Also the duty-free entry of household utensils and furniture is allowed to travelers and persons in the public service who propose to stay more than one year in Austro-Hungary and give credible proof of this intention. The same favor can also be accorded to natives who, after a residence of more than a year outside of the customs jurisdiction, return to it.

2. The means for transportation, such as carriages of travelers, wagons for the transportation of persons or goods, sleighs and wheelbarrows, baskets, buckets, and similar articles for carrying burdens, animals for draught and burden, vessels (the latter inclusive of the goods on them, in as far as the ships belong to foreigners, or in as far as domestic ships carry the same or similar goods as they had on board at their departure), on the condition that the wagons for persons bear plain traces of use; and, moreover, when it appears from the persons and goods carried, the place of destination, the direction, the means of transport, the manner of transportation, that the transportation of persons or goods is intended and that it is not for the purpose of a duty-free introduction of the means of transportation.

3. The provisions of in and out going ships, in which, also, the beer for the ships and boats on the Danube is included.

4. Sample cards and samples in pieces or patterns which are only to be used as such, excepted, however, all samples of tobacco and eatables.

5. The wrappings, &c., in which the dutiable goods are packed, excepted the cases. *a* When the same, according to the rules concerning the tare, must be reckoned as belonging to the goods. *b* When the goods are found in wrappings and conditions in which, according to their form and nature, they are not usually packed, and which are taxed higher than the goods themselves.

6. All goods which weigh less than 25 grams, or those on which the duty would be less than 2 krenzer. In cases of abuse this alleviation as regards single persons or certain boundary tracts can be for the time suspended.

7. Goods which are injured wholly in official stores. In so far as the goods are injured in such a manner that they are no longer fit for their originally destined use, as, for instance, on wine, which can be used as vinegar, the competent financial authority can allow the proper reduction of duty.

ARTICLE IX. Free of duty are, further:

1. The articles necessary for the building and fitting up of ships according to the meaning of the law of the 30th of March, 1873.

2. Goods and articles imported into the customs jurisdiction for improvement, re-

pairs, and dressing, under the condition that the export of the improved, repaired, or dressed goods and articles occurs within a certain time, fixed in advance by the financial authority, and the identity of the imported and exported goods can be proved.

3. Goods and articles which are exported beyond the customs jurisdiction for improvement, repairing, or dressing, and are again imported into the customs jurisdiction improved, repaired, and dressed, under the conditions in 2.

4. Goods, with the exception of articles of consumption, which were exported from the customs jurisdiction to foreign markets and fairs, or to an uncertain sale, and are brought back unsold. The rules governing these transport alleviations are made according to ordinance. Goods, which were sent abroad for sale, and return unsold, on account of unforeseen difficulties, without having been in free circulation, on their re-entrance can be freed from duty by special permission of the competent financial authority.

ARTICLE X. In the frontier districts are duty free:

1. Regarding the agricultural trade on landed property, which is divided by the customs frontier, the cattle and implements belonging to it, as well as the seed for planting; further, the products of the cultivation of it, and the live stock.

2. Cattle that cross the boundary for pasturage or work, returning again, inclusive of the products gained during the pasturage, such as milk, butter, cheese, wool, and the young cattle grown in the mean time.

ARTICLE XI. In the presence of probable circumstances, truly proved by witnesses, the following articles can be entered free of duty, or at a reduced duty, by the financial authorities in charge:

1. The articles of adornment for poor churches and chapels of the different religions; then the material for the construction or repairing of such churches and chapels.

2. Articles of nourishment, clothing, and building material, presented to the domestic inhabitants, injured by fire, or the other elements, for their sustenance, or the reconstruction or repairing of their dwellings.

3. Old articles, bearing traces of use, which persons without means receive as gifts from abroad.

ARTICLE XII. The government is empowered, in consequence of international stipulations, by which the certainty of railroad communications is proposed, so that a common frontier and trade station is necessary inside the customs jurisdiction, to allow the duty-free importation of—

a) All materials, implements, and other articles necessary for the construction and arrangement of the junction-station, as well as the road between it and the frontier, as far as the ordering of those necessities is in the hands of foreign officials, or the foreign railroad contractors, in consequence of the stipulated undertaking of the necessary buildings.

b) For all the rolling-stock, implements, and material necessary for the foreign railroad contractors to the completion of their contracts, inclusive of articles necessary for keeping the road in order; further, the same articles necessary for the service of the foreign frontier officers, in quantities proved necessary for their purposes.

c) The effects, as well as the utensils for the service of the officials and servants of the foreign railroad direction, and of the branch of service of the neighboring state employed in the domestic customs department.

ARTICLE XIII. The amounts given in the tariff of duties, inclusive of the weighing, sealing, and invoice charges, with the exception of sums under two gulden, are payable in gold. Special regulations decide on what terms silver can be used for the payment of duties. The ago to be paid on these occasions will be settled and published from month to month according to the mean course of gold in the preceding month. The value in gulden (gold) of the home and foreign gold coins, at which they will be taken and given on the payment of duties, will be fixed according to ordinance.

ARTICLE XIV. If on calculation of the custom duties fractions exist less than a kreuzer, those which are less than half a kreuzer are to be ignored, and those which are half a kreuzer and more to be considered a whole kreuzer.

ARTICLE XV. Besides the charges prescribed in the tariff of rates (duties, license charges, additional consumption duties), the following extra charges are to be made in the customs affairs:

1. The weighing charge is 5 kreuzer per 100 kilograms of raw weight of those goods whose weight is taken as an act of official duty, or at the desire of the interested party. For ascertainment of the weight by calculation for testing wastage, and for weighing with private scales, as, for instance, in the customs revision in railroad stations, no weighing charge is to be made. In reckoning weighing fees, weights under 50 kilograms will be free, weights of 50 kilograms and over will be considered 100 kilograms; when the entire weight of the goods is less than 50 kilograms, 3 kreuzer are to be paid as the weighing charge.

2. The sealing charge is 2 kreuzer for every lead and 1 kreuzer for every wax seal.

Goods intended for through transportation provided with the proper certificate are exempt from the sealing charge, and for the customs closing of the holds of ships and of the space for freight in railroad cars, &c., no sealing charge is payable.

3. The certificate charge is 10 kreuzer for the certificate to be given to accompany foreign non-dutiable goods. When through goods, under a change of the original destination, shall be intended for importation, the proper extra charges are to be subsequently paid. In the interior, in the traffic along the customs line, as well as in the management of it, neither sealing nor certificate charges are to be made.

4. The storage charges for goods which are stored in official depots, in the proportion to be arranged by special ordinance with regard to local and other circumstances, yet as a rule not over 1.6 kreuzer per 100 kilograms of raw weight and the day of the storage. In cases of extraordinary accumulation of goods, the depot fees can be raised to 2.4 kreuzer for 100 kilograms and the day of the storage. In regard to the emoluments for official duties which are done outside of the official places, the charges for official declarations of goods, and the special water, harbor, and ship duties, the rules remain as hitherto. In regard to the payment of fractions under a kreuzer, the rules contained in Article XIV regarding extra payments remain in force.

ARTICLE XVI. The determination and changing of the tare will be arranged according to ordinance with regard to the customary modes of packing and their relative weights in traffic. For goods on which the duty does not exceed 3 gulden per 100 kilograms, and for the actual inclosures of liquids, there is no tare rate.

ARTICLE XVII. This law goes into effect on the 1st January, 1878. At this time the customs tariff of 5th December, 1853 (R. G. Bl., No. 102, 854), the *ad interim* customs tariff of the 30th June, 1865 (R. G. Bl., No. 39), and all laws and regulations relating to them, as far as they are in contradiction with this proposed law, lose all force.

ARTICLE XVIII. The minister of finance and the minister of commerce are charged with the execution of this law.

---

No. 20.

*Mr. Kasson to Mr. Evarts.*

No. 30.]

LEGATION OF THE UNITED STATES,  
Vienna, December 14, 1877. (Received December 31.)

SIR: During the last week the "delegations" assembled at Vienna. They constitute the common legislature of the empire, but it is a legislative body peculiar to Austria-Hungary, and without a parallel in the other countries of the world. I have studied its characteristics with interest, remembering also that there was at one time, in some quarters of America, a project of a dual government for the Union, as a *modus vivendi* for North and South.

The seventeen provinces of Austria constitute Cisleithania, which has a complete legislature (Reichsrath) composed of two houses, and a responsible ministry of its own. Of Cisleithania Francis Joseph is Emperor. Hungary, Transylvania, Slavonia, and Croatia constitute Transleithania, which also has a complete legislature (Reichstag) composed of two houses, and its own responsible ministry. Of Transleithania Francis Joseph is King. Each of the two governments includes a ministry of national defense, of finance, of the interior, of public works, of justice, of agriculture and commerce, and of education. Neither has a ministry of foreign affairs, nor of war, except so far as the latter is embraced under the term "national defense." Each of these bodies, the Cisleithanian legislative council and the Transleithanian diet, elects a delegation of its own members, which meets annually and alternately at one of the two capitals, Vienna and Pesth, with very limited powers, to regulate common affairs, the army, navy, and external relations. Each delegation is composed of 60 members—20 peers and 40 representatives. Each delegation, however, constitutes only one house. The two delegations meet in separate chambers, even in different parts of the city; and

all measures must be adopted by both, with the reserve that if they do not so agree they must meet in congress. On such occasions a majority of the united vote determines the result, which is conclusive without subsequent sanction of their constituent bodies.

There is also a third and common cabinet of administration composed of three ministers only, that of foreign affairs, of finance, and of war. This common ministry is responsible to the delegations only, as the other two ministries are to their respective legislatures. It occupies a ministerial bench in the chamber of each delegation, passing from one to the other as business requires, and responding to interpellations in each.

The delegations pass only the budget for foreign affairs, for the expenses of the common department of finance, and for the army and navy. These expenditures are ordinarily and respectively about 4,500,000, 2,000,000, and 110,000,000 of florins, equivalent to not quite half of these amounts in dollars. They also fix the numbers to be enrolled in the army, and the duration of service, &c. While the finance minister is in charge of the disbursement of the entire sums, he has nothing to do with the levying and collecting of the revenues, except the proceeds of the customs tariff (from 17,000,000 to 20,000,000 florins) and some other small miscellaneous receipts which come into his treasury. The two separate legislatures must provide and pay over the balance of the sums as voted by the delegations, in proportions which they must separately agree upon, and which, under the compromise now expiring, was 68.6 per cent. from Austria and 31.4 per cent. from Hungary. All taxes are separately voted, as they may be separately disbursed, by Cisleithania or Transleithania, each in its own jurisdiction. No superior power exists to compel their action or to prevent their default; to check their extravagance or to force the fulfillment of contracts. There is no common tribunal except the common executive, who bears a different title in each country. \* \* \* The reserved rights of each monarchy are in almost perpetual conflict. In respect to tariffs, as I explained in a former dispatch (No. 23), they are in radical antagonism. They are antagonistic in their interests of taxation and in their views of foreign policy. Add to these, differences in race and in language, and in history, and there appear at once ample obstructive elements in the way of agreeing to any compromise which shall definitely fix their relative rights and responsibilities, their relative privileges and burdens. Almost inevitably, what pleases one branch of the empire is displeasing to the other.

The common government of such a dualism has no enviable position. Its movements must be slow and halting, if not equivocal.

As King of Hungary, the monarch received the Hungarian delegation at 1 p. m. on Wednesday, at the palace; and as Emperor of Austria, he received the Austrian delegation at 3 p. m. To each he made the same speech from the throne. It dealt only in generalities, expressing the hope that, as he had been compelled, so far, in the Oriental war to impose only ordinary burdens on his people, so it would continue to be till the war ended.

Since the Emperor's speech Count Andrassy has been interpellated in the Hungarian delegation touching his foreign policy. His opponents styled it "nebulous." He declared it to be neutral until the sphere of Austrian interests should be encroached upon, when he would know how to defend these interests. He also said that the other powers knew how Austria had defined those interests; if he had been reticent here about them, it was because reticence was less likely to excite the susceptibility of other powers, and was conducive to the ultimate object of securing those interests. He affirmed that Austria-Hungary had full



liberty of action, unbound by any contract. This was in allusion to the reports of the alliance of the three Emperors. He proposed they should wait a few weeks till his Red Book should be published; and in that correspondence they would learn what had been his policy for several years, and to what it was leading. He clearly stated his conviction that the condition of the Turkish Government in the Christian provinces could not continue what it had been, and implied an admission of the necessity of revision of treaties on the Oriental question. He was confident in the assurance of protection to Austrian interests in the settlement to be made. The whole tenor of his speech confirms the conviction I have heretofore entertained, that an unwritten outline of policy to be adopted at the close of the war has been agreed upon or understood between the three imperial chanceries, and that England is more isolated than ever before in respect to the Oriental question.

I have, &c.,

JOHN A. KASSON.

---

No. 21.

*Mr. Kasson to Mr. Evarts.*

No. 31.]

LEGATION OF THE UNITED STATES,  
Vienna, December 23, 1877. (Received January 11.)

SIR: My dispatch No. 22 contained a statement in gross of the Austro-Hungarian debt as nearly accurate as the means at my command enabled me to make it. It did not, however, appear to me to be sufficiently complete, and I therefore subsequently sought the aid of a banker of this city, by whose assistance I am now able to present the following more accurate and more satisfactory explanations and tables, showing the character and amount of the public debt of the Austro-Hungarian monarchies in the year 1877.

The public debt consists of three classes, obligations of three different nationalities, as follows:

A.—Obligations of the whole Austro-Hungarian Empire.

B.—Obligations of the countries represented in the Austrian Reichsrath Cisleithania.

C.—Obligations of the countries represented in the Hungarian Reichstag Transleithania.

A.—There is no consolidated debt of the whole empire. There is an imperial floating debt, which consists of "Staats noten" and "Münzscheine," the large and small paper currency; and "Salinenscheine," or exchequer bills, at six months' date, bearing 4 per cent. interest, and to secure which certain Austrian saline property is hypothecated.

All this imperial floating debt is by law limited to the aggregate amount of four hundred and twelve millions of florins (about \$202,000,000). The amounts composing the aggregate were originally 300,000,000 of circulating state notes, 100,000,000 exchequer bills, and 12,000,000 fractional notes (10 and 20 kreuzer). As the bills and fractional notes are reduced in amount, the state note currency is increased, and the aggregate debt, therefore, is maintained within a very trifling fraction at the extreme limit of 412,000,000 florins. Although literally it is only the circulating state notes which bind all parts of the empire *in solidum*, yet the provision for converting the whole amount into state

notes, already 356,000,000, induces me to state the aggregate amount as being an imperial debt.

The old debt of the government to the national bank, amounting to 80,000,000 florins, is claimed to be obligatory on the whole empire. It is not yet acknowledged by Hungary, but is pressed for adjustment at this time, with probability of acknowledgment. I therefore add this to the imperial debt, which makes an aggregate of 492,000,000 florins.

B.—But the greatest indebtedness is that of the Austrian monarchy. It is composed of almost every variety of indebtedness, and in various forms of loan. The following table furnishes the clearest classification of it which I have been able to devise:

*B.—Debt of Cisleithania (Austria, &c.), excluding the Salinenscheine, as stated in A.*

1. A remnant of Staats-Central casse bills .....	1, 890
1. Schatzscheine (exchequer bills) issued under law of December 13, 1873, due May 1, 1878 .....	25, 000, 000
3. Various deposits and securities .....	4, 664, 479
	<hr/> Fl. 29, 666, 369

*Consolidated debt, reduced to Austrian values, and bearing 5 per cent. interest.*

1. Loans in Weiner Währung .....	1, 316, 279
2. Remnants of loans in Conventions Münze .....	2, 673, 823
3. Remnants of loans, in Austrian value .....	506, 867
4. Unified debt ( <i>Einheitliche Schuld</i> ), 5 per cent. interest in paper .....	1, 265, 791, 907
5. Unified debt ( <i>Einheitliche Schuld</i> ), 5 per cent. interest in silver .....	993, 192, 720
6. Goldrente, gold interest, 4 per cent .....	120, 000, 000
7. Lottery loans of 1839 and 1854 in Convention M., redeemable .....	51, 201, 985
8. Balances due to various funds for discharge of feudal rights, (Grund-entlastung) .....	46, 327, 300
9. Due Boden Credit Anstalt (mortgage on state property,) silver .....	49, 038, 200
10. Due on 5 per cent. debentures of the Süd Bahn (silver) .....	14, 901, 909
11. Lottery loans of 1860 and 1864 .....	213, 786, 000
12. Due on loan for improvement of Danube .....	7, 722, 366
13. Overdue sums on loans .....	3, 682, 747
14. Calculated principal of certain annual payments .....	14, 305, 862
	<hr/>
Making aggregate consolidated debt .....	2, 784, 447, 965
Add floating debt .....	29, 666, 369
	<hr/>
Total debt attributed to Cisleithania .....	Fl. 2, 814, 114, 334

From the 5 per cent. interest on the "unified debt" 16 per cent. income tax is deducted by the government.

There is also a debt divided among the several provinces for the discharge of feudal rights, for which Cisleithania is guarantee, amounting to 195,256,540 florins.

On the other hand, there is a fixed annual subsidy, agreed to be paid by Hungary, in consideration of certain of the debts of Cisleithania, amounting to 29,188,000 florins.

C.—The Hungarian debt, (Transleithania.) None of the debt of Hungary is classed as floating. The following table shows its character and amounts:

C.—*Debt of Hungary.*

[1. There is no floating debt, the treasury bills (*Schatzscheine*) being enumerated with the consolidated debt. 2. Consolidated debt reduced to its equivalent in Austrian value but irrespective of the rate of interest.]

Description of loan.	Original amount of loan in florins.	Rate of emission.	Rate of interest.	Redeemable in years.	Repayment begins in—	Payable in—	At these dates.	The amounts respectively outstanding were—
<b>Bonds for release of feudal rights (<i>Grundbesitzungsobligationen</i>).</b>								<i>Florins.</i>
Bonds for the release of wine tithes ( <i>Weinsteuerschuldloosen</i> )	30,000,000	80 per cent. paper	5 per cent.	.....	.....	Paper	Dec. 31, 1876	252,307,734
Lottery loan	85,125,000	60 per cent. silver	.....	.....	.....	.....	Dec. 31, 1876	21,291,670
Railway loan	60,625,000	75 per cent. silver	5 per cent.	50	1870	Paper	Sept. 30, 1876	28,105,000
Mortgage loan of Glinör Railway	30,000,000	75 per cent. silver	5 per cent.	60	1870	Gold	Sept. 30, 1876	81,254,000
Silver loan, 1871	30,000,000	75 per cent. silver	5 per cent.	40½	1872	Silver	Sept. 30, 1876	6,329,100
Silver loan, 1872	54,000,000	79½ per cent. silver	5 per cent.	32	1873	Silver	Sept. 30, 1876	28,234,000
Treasury bills, first emission	76,500,000	.....	6 per cent.	30	1875	Silver	Sept. 30, 1876	53,148,000
Treasury bills, second emission	76,500,000	.....	6 per cent.	Dec. 1, 1878	1878	Silver	Sept. 30, 1876	76,500,000
Goldrente sanctioned by law December 27, 1875	80,000,000	81 per cent.	6 per cent. gold	Aug. 1, 1879	1879	Silver	Sept. 30, 1876	76,500,000
Debits for purchase of the Hungarian Ost-Bahn, ancient debentures.	.....	.....	5 per cent.	Not repayable.	.....	Silver	Sept. 30, 1876	44,812,800
Ancient second debentures	.....	.....	5 per cent.	.....	.....	Gold	.....	29,997,600
Bonds for purchase of shares	.....	.....	5 per cent.	.....	.....	Gold	.....	10,004,466
<b>Total of Hungarian consolidated debt</b>								<b>788,344,370</b>

## SUMMARY.

	Florins.
The imperial debt, according to statement A, is.....	492,000,000
The Cisleithanian (B) .....	2,814,114,334
The Transleithanian (C) .....	788,344,370
The aggregate for both monarchies is .....	3,094,458,704

Without including provincial or municipal indebtedness, for nearly 200,000,000 of which Austria is indorser.

The revenue is inadequate to meet the current expenditures, and there are some deficits which are not exactly known, and do not appear in these statements of the indebtedness of either monarchy. The two governments are seeking new sources of revenue or increasing the existing contributions. Many public men are looking especially to the reduction of the army as the chief resort for economy. It embraces nearly three hundred thousand men as the peace establishment, and about eight hundred thousand men as a war footing. With annually recurring deficits, it is evidently necessary to make reductions of expenditures, in order to preserve a semblance of national credit. This year's budget for Hungary showed an actual deficit of 31,000,000 florins. The budget for 1878 acknowledges a probable deficit of over 16,000,000 florins.

The actual deficit in the Austrian (Cisleithanian) budget for 1877 was about 37,000,000 florins; the estimated deficit for 1878 is over 20,000,000 florins. The minister expressed the hope that by reduction of expenditures and increased revenue an equilibrium might be established between revenue and disbursements in the year 1880.

The common imperial budget for 1878 proposes a total expenditure of 113,731,167 florins, indicating a reduction of over 3,000,000 florins on last year's budget. This expenditure is chiefly apportioned as follows:

For the ministry for foreign affairs, 4,496,580 florins (of which 1,125,900 florins is subvention paid to steamers); for the common ministry of finance (including pensions), 1,976,978 florins; for ordinary expenses of the common ministry of war (including marine), 102,553,313 florins.

As the two monarchies respectively vote their proportion of this imperial budget, the deficits, if any, occur in the several budgets of the two monarchies, not in that of the empire. Also the consolidated debt is composed of the separate obligations of the two monarchies.

Having been misled as to this in my former dispatch (No. 22,) by the form of publication, I beg that a note may be made at the foot of that dispatch referring to this for correction of the statement of the debt.

I doubt if the debt statements of any country in Europe are so intricate and complicated as those of this empire.

I have, &c.,

JOHN A. KASSON.

---

No. 22.

*Mr. Kasson to Mr. Evarts.*

No. 41.]

LEGATION OF THE UNITED STATES,  
Vienna, January 30, 1878. (Received February 16.)

SIR: I have on several occasions communicated to the Department the serious embarrassments entailed upon the Austro-Hungarian Government by the dualism and incompleteness of its federal pact. These difficulties have now entered upon a new phase.

The separate cabinets of the two dominions had agreed upon certain measures which were to precede the renewal of the pact; one of these involved a new tariff in which the duty upon coffee and petroleum was to be greatly increased. On coffee, which has hitherto paid 16 florins per 100 kilos, 24 florins were demanded. On petroleum, which has hitherto paid only 1½ florins per 100 kilos, the extraordinary increase to 4 florins was demanded. The principal consumption of these articles is in Austria, and so the Hungarians demanded this as a condition *sine qua non* of the adoption of the act. The Austrian cabinet therefore made its adoption by the Reichsrath a cabinet question. Before putting it to vote, however, the development of opinion in the house convinced the cabinet that they could not carry the proposition. They accordingly tendered their resignations to the Emperor. Before his action thereon, Prince Auersperg, the president of the cabinet, called a meeting at his house of the presidents of the several clubs into which the members of the various shades of political opinion are divided, and requested their best judgment of the situation. They gave it, reported their declarations to their respective clubs, which confirmed them, and so settled the point that the house would not go beyond 20 florins on coffee and 3 florins on petroleum.

The Emperor, upon receiving notice of this, accepted the resignations of the ministers, but requested them to remain in discharge of their several ministerial functions until a new cabinet could be formed.

After consulting various chiefs of the parties in the house, he has been unable to find a solution of the crisis.

No new ministry can be on this question more satisfactory than the old, without abandoning the unacceptable measure. As long as that measure is a *sine qua non* with Hungary the dead-lock must continue, or the Reichsrath must recede. In the latter case the old ministry would go on.

The Austrians complain of Hungarian dictation. The Hungarians manifest a high spirit of independence and strenuously assert their state rights. So dualism bears its bitter fruits of disorganization within and weakness without.

I have, &c.,

JOHN A. KASSON.

---

No. 23.

*Mr. Kasson to Mr. Evarts.*

No. 46.]

LEGATION OF THE UNITED STATES,  
Vienna, February 21, 1878. (Received March 12.)

SIR: In a previous dispatch (No. 24,) I made allusion to the use of the silver standard in Austria, and to the resulting difficulties of the government in respect to the custom duties, placing it at a great disadvantage in the commercial relations of Austria with countries having the gold standard.

Since that time the imperial minister of finance, Baron Von Hofmann, was good enough to give me the opportunity, while dining with me, to discuss the gold and silver question with him. I desired this opportunity because of his reputation as a man of sense, practical, more disposed always to walk than to fly, industrious, and careful in all his studies. Without entering into details, I present to you the substance of his views on the subject in question.

Austria, he said, never had the gold standard, but always made silver the basis of her currency and credit. During the disturbances and troubles of 1848, they were obliged to suspend silver payments, and since then have depended on the government paper and the notes of the national bank. Since that time the government debt has largely increased, and the financial condition of the empire has been such that they have never been able to resume silver payments. As I stated in a former dispatch (No. 31,) the government circulating notes (including exchequer bills) amount to 400,000,000 of florins. The bank-note circulation amounts to about 300,000,000 of florins. Against this total paper circulation of 700,000,000 there is in the bank a specie accumulation of about 137,000,000. There is no accumulation of specie in the government treasury.

There is no specie in common circulation, except the silver contained in the small pieces of ten cents' value, and under. The only source from which the government derives a silver revenue is that of the customs, which is insufficient for the payment of its silver interest on the public debt. The residue required for that object is purchased in the markets. Nearly all her silver debt is held out of the country, about one hundred millions of it resting in Holland, and as much more of it in Germany, so that there is a continued exhaustion of the supply of silver. The prevailing premium on silver exchanged for paper is from five to six per cent.

Under these circumstances, the government has no present intention to resume silver payments. Baron Von Hofmann did not hesitate to say that in his opinion gold must be the future standard among civilized nations. But for the present it could not be exclusively adopted by all countries. He thought there must be a transition period of bi-metallic currency. He admitted the difficulties of the double standard, the mutual relations of the two metals changing so much in the lapse of years, the metal worth the least expelling that worth the most from circulation. This should, if possible, be avoided or remedied, so that there should be everywhere a recognized relation of value between the two metals for the purposes of commerce. He thought this could be best accomplished by an international congress, which should fix this correlation of the two metals for a definite period of time, say ten, twelve, or fifteen years. Such a congress could reassemble when the course of commerce, or of metallic production, should have overcome the influence of the international establishment of the relation of values, and should render a readjustment necessary. Without such international agreement for the common use or common relation of values, the country or countries having exclusively the standard of higher value must inevitably demand and absorb the better money from the others, and so grow rich at their expense.

I gathered from the tenor of his excellency's conversation, that in his opinion Austria, though not now in a condition to resume her silver payments, would gladly take part in such an international conference.

I am, &c.,

JOHN A. KASSON.

No. 24.

*Mr. Kasson to Mr. Evarts.*

No. 51.]

LEGATION OF THE UNITED STATES,  
Vienna, March 4, 1878. (Received March 22.)

SIR: As supplement to my dispatches relating to the tariff legislation of this empire, and to the general movement towards higher customs rates among European nations, I submit the further information following.

In my dispatch No. 41 I advised you that the ministry of Prince Auersperg had made a cabinet question of maintaining the integrity of their bill, including the very high revenue rate of twenty-four florins on coffee and eight florins on petroleum, and had consequently resigned upon ascertaining that the Reichsrath would not adopt these rates. The Emperor, after calling in as advisers the leaders of the parties opposed to these rates, found the formation of a new ministry impracticable. The old ministry was therefore restored, after an interval of ineffectual and perhaps merely formal efforts for a different solution. The tariff bill was again taken up, the duties in question were reduced by the house from the figures proposed to twenty florins and three florins respectively, and progress was made with the bill without other changes of importance.

The discussions now approach their termination in the Reichsrath of Austria. Debate has been concluded and the government bill adopted in the Reichstag of Hungary, where the rates of twenty-four and eight florins were, however, adopted for coffee and petroleum respectively, as proposed by the government. The bill pointedly aims at the restoration and future protection of various suffering manufactures and industries of Austria, by increasing the rates of duties on articles competing too successfully with national manufactures.

In a former communication I advised you that this was not the tendency of Austria alone. Other continental nations are drifting in the same direction. Many European commercial treaties are expiring. Each government, much more carefully than formerly, is advising with the representatives of its various industries, to avoid any mistakes arising from ignorance of details, and in order to put their interests on such a footing that their home markets cannot be suddenly and ruinously flooded from abroad. Indeed, it seems to me that all Europe is entering upon what may be styled an *era of national selfishness*, both in its political and commercial relations. Every government in its political relations with others, and especially in connection with the Eastern question, fills the air with the asseveration, not as formerly of maintaining old treaties or the "balance of power," but of the resolution to "protect its own interests." Whether in England, Austria, Italy, France, or Germany, there is the same cry. So it is, also, in respect to commercial interests. There is not a cabinet minister on the Continent, whose declarations have fallen under my observation, who does not take this ground when speaking of new commercial treaties, or of readjustments of tariffs.

In case you have not seen that portion of the forthcoming report, introductory to a tariff bill prepared by the French ministry (but not yet submitted to the Assembly), from which I have just now received the following extract, I beg your attention to it, as completely confirming the statements of European commercial policy which I have heretofore expressed. All such legislation in Europe is not only carefully pre-studied and elaborated by responsible officers, and adjusted in all its rela-

tions, but it is also motivated (*motivé*) with equal care, that all reasons for it may appear with the bill, and like it be subjected to criticism. It is from this "motive" of the French bill that I take the following extract. After alluding to the former bill introduced in 1877, which proposed legislation in the direction of lower duties, "because we at that time supposed the economic doctrines which had prevailed since 1860, in most of the great states, were still in favor," they proceed as follows:

"We hoped the commercial treaties to come would show fresh progress in the direction of free trade, would facilitate the extension of our export trade, and in accord with the 'Conseil Supérieur du Commerce,' which, as regards this rule, only made an exception to the advantage of the cotton industry, we submitted the duties of the conventional tariff as a limit only to be exceeded in the exceptional case provided for by article 5. But the reaction from the crisis from which the commerce of the world is so cruelly suffering, added to the demand for money by most states, has given a new direction to ideas. Recent significant facts give us reason to fear that *our hopes will not be realized, and that most states will be drawn into increasing their tariffs.* We had to struggle against this tendency in our recent negotiations with Italy. We shall, perhaps, have to do so again, when we have to treat with Switzerland, which is at this moment occupied with a bill for the increase of her tariff. *Other states, large and small, seem to be going in the same direction.* In presence of this new situation, just when the commercial treaties are all expiring, it would be imprudent for France to disarm her negotiators by spontaneously according the benefit of the conventional tariff to those who would not reciprocate it, who would make their markets less accessible to her manufactures and natural products, and render, by their demands, the conclusion of a commercial convention impossible."

The "motive" then continues with an assertion that the ministry, nevertheless, does not mean to go back to protection, but that their action proceeds from a desire to arm themselves in their intercourse with other nations with the power to put on a higher duty, if such nations shall refuse what France considers a satisfactory commercial treaty. My chief object, however, in transmitting this extract is to confirm by that high authority the statements already made by this legation, of the important change of commercial policy going on in Europe. Its results cannot yet be fully predicted. That a change of opinion and doctrine has already taken place is certain. It appeared to me anomalous, and possibly, in view of our great commerce with Europe, dangerous, that the United States should be in transition from protective legislation toward free trade at the same moment that Europe is in transition from free trade toward protection. With their own national markets secured to national industry against our competition, their surplus might, under such circumstances, be employed to the suppression of some of our industries which may not be equally well guarded.

I ought, perhaps, to add as an indication of popular views in France, that the French "general syndicate of textile industries," a few days since urged the government to proceed with this legislation, and "to raise the duties on importation, in order to afford suffering industries the relief indispensable to them."

Since the first part of this dispatch was written, the debate on the tariff bill in the Reichsrath has been finished, and the bill has passed to the third reading. There remain a few points of difference to be adjusted between Austria and Hungary, the former having changed some of the rates in the original bill, which the latter adopted without change.

I have, &c.,

JOHN A. KASSON.

3 F R



No. 25.

*Mr. Kasson to Mr. Evarts.*

No. 53.]

LEGATION OF THE UNITED STATES,  
*Vienna, March 8, 1878. (Received March 25.)*

SIR: In view of the recent law of Congress proposing an international commission touching the relations between the values of gold and silver, I beg to submit a question incidental thereto for your consideration.

All intelligent economists, indeed all friends of progress, have long desired the establishment of a common international unit of money, at least for international account and use. The subject was specially examined and discussed in the report of the Committee on Coinage, Weights, and Measures which was submitted to the House of Representatives in 1866. It was also discussed informally in the International Postal Congress of 1863.

The enormous loss to commerce in the course of years, resulting from the brokerage in conversion of coins, demands a serious effort to provide a remedy. The inconvenience and liability to error in conversion of values in accounts between merchants, and in the service of the customs, also give great reason for a change.

Referring now only to the Congressional report above mentioned for reasons in detail, and for a discussion of the ways and means of the establishment of such a unit, I desire to ask your attention to the propriety of instructing the United States commissioners to the proposed money conference to sound the representatives of other countries upon this question. It may lead to very desirable results in the future. It will, in any event, serve to keep a subject of great international importance before the thoughtful and progressive statesmen of both continents.

I have, &c.,

JOHN A. KASSON.

No. 26.

*Mr. Kasson to Mr. Evarts.*

No. 59.]

LEGATION OF THE UNITED STATES.  
*Vienna, March 30, 1878. (Received April 15.)*

SIR: Herewith is transmitted a map just published, which may not otherwise come to your hands, showing the new frontiers of European Turkey, and of the independent and tributary principalities carved out of it by the treaty of San Stefano.

At the foreign office yesterday I encountered the Russian and German ambassadors, the Pope's nuncio, and others, all seriously impressed by the alarming news from England, involving the resignation of Lord Derby and the formation of an exclusively warlike cabinet at London.

There is at this hour no hope of a European Congress upon the San Stefano treaty. There is only one line of action by England which does not lead directly to war against Russia. Even this alternative indirectly leads to it, but allows the possibility of avoiding it. I said to a member of the English embassy here, last night, "I do not see exactly upon what you can base your proclamation of war against Russia. You cannot declare war simply because Russia differs from you as to the

form of submitting questions to a European conference about her treaty with Turkey." He replied: 'I presume we shall make no proclamation of war, but proceed to take possession of what we believe necessary to protect our interests.'

This conforms to my opinion that England will not rest content till she has acquired new possessions in the Levant, which will dominate the Suez Canal and the Eastern Mediterranean against all apprehended aggression by Russia coming through the Dardanelles. What England really wants is a position at the outlet of the Dardanelles (Gallipoli) if the slightest justification can be found for it, if not, something not far away.

Whether this is possible without somewhere striking the Russian interests and the Russian forces remains to be seen. Diplomatic opinion here deems it impossible. It is worthy of remark that while England holds herself justified in doing all to protect English interests, she fills Europe with an outcry if Russia dares anything for the protection of Russian interests.

I have, &c.,

JOHN A. KASSON.

No. 27.

*Mr. Kasson to Mr. Evarts.*

No. 65.]

LEGATION OF THE UNITED STATES,  
Vienna, April 9, 1878. (Received April 24.)

SIR: Your dispatch No. 24, covering the recent enactment of Congress respecting the coinage and use of silver money, was received on Saturday. On the following Monday (yesterday) I brought it to the attention of Baron Orezy, at the foreign office, in obedience to your instructions, handing to him the written invitation, of which a copy is herewith inclosed (A), and adding further verbal explanations of the policy adopted by the United States Government and the considerations which rendered an international conference expedient, and even necessary. As these remarks were only a development of the points made in my written note (A), it is not necessary here to repeat them. It should, however, be stated that the conversation touched one additional question, that of creating an international unit of money, containing an agreed quantity of the precious metal, (gold or silver,) and which should serve for all purposes of international commerce and account. He was most emphatic in the expression of his estimate of the immense economical advantages of such a standard unit.

Without committing himself upon the subject of the conference, he appreciated the views which are favorable to it, and remarked that according to usage the subject must be referred to the treasury department for their judgment. I expressed to him the gratification it would afford me to be able to give an early response to my government, and the interview was closed.

I have, &c.,

JOHN A. KASSON.

[Inclosure to dispatch No. 65.]

*Mr. Kasson to Count Andrassy.*

The undersigned, envoy extraordinary and minister plenipotentiary of the United States of America, has the honor to advise his excellency the Count Andrassy, minister of the imperial house and I. R. minister for foreign affairs, that he is instructed by his government to deliver to the Government of Austria-Hungary a copy of the recent law enacted by the Congress of the United States respecting the coinage and use of silver money; and especially to call attention to the provisions of the second section of that law.

The experience of the United States of America in the use of gold as the only standard of metallic money has led their government to the conclusion that the use of both gold and silver in the business of the world, under proper relations of value, is more advantageous to the interests of international as well as national commerce than the use of either one of the precious metals as the exclusive standard of value. The recent law, of which a copy is inclosed for his excellency's information, rests upon the proposition that an increase of metallic money, of universally recognized value, will tend to lighten the public burdens, revive commerce when depressed, and maintain its solvency and activity in time of prosperity.

The same law recognizes the necessity, in order to maintain both metals in free circulation, that their mutual relations of value should be internationally adjusted in such a manner that neither coin may gain, through temporary fluctuations in local markets, such predominance in value and use as to exclude the other from circulation, and so defeat the object sought for by the constant employment of both. The most practicable if not the only means for the attainment of this important result, in which all the commercial nations are equally interested, appear to be found in a conference of the principal governments engaged in the commercial and financial exchanges of the world. It is, therefore, provided by this act of Congress, that whenever three or more of the governments of Europe shall have signified their willingness to unite in such a conference with the Government of the United States, the time and place of its meeting shall be determined by common consent, with a view to an early day for the commencement of its deliberations.

The undersigned, therefore, has now the honor, in the name of the Government of the United States, to invite the Government of Austria-Hungary to join the United States in a conference, to adopt a common ratio between gold and silver, for the purpose of establishing, internationally, the use of bi-metallic money, and securing fixity of relative value between those metals; such conference to be held at such place in Europe, or in the United States, at such time within six months, as may be mutually agreed upon by the executives of the governments joining in the same, whenever the governments so invited, or any three of them, shall have signified their willingness to unite in the same.

The undersigned allows himself to express the hope that the government of His Imperial and Royal Majesty will associate itself with this proposition, in order that the suggested conference may have the benefit of their experience in the use of the silver standard, and of their wisdom, in this effort to facilitate the restoration of commercial and industrial activity, and for the more secure maintenance of the public prosperity in the future.

The undersigned will also be glad to receive from his excellency Count Andrassy, in case of the acceptance by this government of the President's invitation, intimation of his views in respect to time and place of meeting of the conference.

And he avails himself of this occasion to renew to his excellency Count Andrassy the assurance of his most distinguished consideration.

JOHN A. KASSON.

LEGATION OF THE UNITED STATES,  
Vienna, April 8, 1878.

No. 28.

*Mr. Kasson to Mr. Evarts.*

No. 72.]

LEGATION OF THE UNITED STATES,  
Vienna, May 8, 1878. (Received May 22.)

SIR: I am not able to communicate by this mail any decisive advance toward a definitive settlement of the war-breeding questions arising from the treaty of San Stefano. The evidences of an understanding between

Austria and Russia, however, appear to be increasing. This government has asked the legislative bodies to provide for the credit of sixty millions granted conditionally to the imperial administration, and of which they now propose to use a considerable part. Ostensibly it concerns the maintenance of a strong corps of observation along the Roumanian frontier, and an "escort" for the protection of Bosnian refugees who are to be repatriated. For a long time this government has supported perhaps 100,000 poor wretches who fled from Bosnia and Herzegovina to points within the imperial frontier, to escape the terrors of the internecine struggle going on between the Christians and Mussulmans of those provinces. The disbursements for that purpose already amount to several millions of florins, and have created so serious a charge upon the treasury that it was resolved to stop the supplies on the first of this month. The refugees were accordingly notified that they must prepare for a return to their homes. Turkey was also notified.

But the former object that the danger continues, and that they are likely to starve if they survive the other personal dangers to which they will be exposed. This government has desired of the Porte provision for their protection; but the demand has not been satisfied. It now appears to be the intention of Austria to escort them as peaceably as possible by a military force into their country, thus assuring them of protection against the dangers threatened by the Mussulmans.

Naturally, this force must remain in that country for this purpose till the questions of local government and protection are settled. Thus "occupation" takes effect, and with what ultimate result is beyond our forecast at this hour. You will readily observe that with some millions charitably expended for Ottoman subjects, and constituting an equitable claim on Turkey; with the plea of defending their own boundaries against a reincursion of refugees, and with the claim to suppress insurrectionary disorders along their frontiers when Turkey fails in the duty of government, the Vienna cabinet have a "case" to which they may hereafter be disposed to apply the maxim of *beati possidentes*, while they hold as security for various interests the soil on which their muskets are stacked. To all this Russia opposes no objection.

Russia and Turkey: While the movements of Austria appear no longer to cause anxiety at St. Petersburg, new anxieties have been created on the side of Turkey.

The persistence of the British fleet inside of the Dardanelles, together with the threatening behavior of England, put a constraint on the Russians which prevented them from retiring their forces from Turkish territory within the time stipulated by the treaty. So when Russia demands the possession of Schumla, Varna, and Batoum, according to the treaty, the Porte, quite probably inspired by England, yet very properly, answers, "But when are we to have possession of our own territory, and especially of the suburbs of Constantinople, according to the treaty?" It goes without saying that the English saw their own advantage in this phase of the debate. They indicated war; they threatened Gallipoli and the Bosphorus; thus forced Russia to watch them from forbidden ground, and, while that ground is occupied, Russia is placed in the attitude of justifying Turkey in retaining the occupation and control of the three fortresses which are most needed by Russia in case of a war with England, in which Turkey would be the moral if not militant ally of the latter. Especially does Russia require Batoum and Varna. This embarrassment still continues. The insurrectionary troubles along the borders of the new Bulgaria have been exaggerated; still they are suffi-

cient to justify Russian apprehensions for the safety of their military communications in the event of war.

England and Russia: Just at that moment when diplomacy seemed in a dead-lock, and England congratulated herself upon the progress of events which threatened to leave the Russians in a *cul de sac* at San Stefano and blockaded in the Baltic, the Cimbria, which had secretly passed to the north of the British Islands, and, unobserved, traversed the Atlantic, cast anchor in Southwest Harbor. Never did a transition scene in a theater produce a more startling effect. Never was a chess-player, intent on his own plan of the game, more surprised when his opponent moved a knight to check the king, and at the same time disclosed check to the queen, than were the English, who, while they were gazing with satisfaction upon Constantinople, thus heard the Russians on the other side of the globe cry check to their Atlantic commerce.

I think it is not wrong to ascribe in large part the increasing tendency toward a peaceful solution, which is apparent during the last few days among the English people, and in their press, to this, the most significant movement which Russian diplomacy has made. The diplomatists on both sides are now silent touching their work, which is a sign of more earnest efforts for an adjustment. But the scales appear still to be balancing between war and peace. If England were now to make peace, her government could fairly plead, in justification of their previous warlike demonstrations, that they had gained three essential advantages: first, they have distracted attention from the victories of Russia, which were calculated to establish for her an immense prestige in the East, and have attracted the eyes of both Asia and Europe to England instead; second, they have won for England a considerable moral prestige before the world as a regulating power, and have proved that she possessed still the courage to strike in her quality of "great power"; third, they will have secured important modifications of the San Stefano preliminaries in a sense adverse to Russian interests. The extent of these modifications, and of material advantages secured to England, will only be known when the result of Count Schouvaloff's present visit to St. Petersburg shall be known.

I have, &c.,

JOHN A. KASSON.

---

No. 29.

*Mr. Kasson to Mr. Evarts.*

No. 74.]

LEGATION OF THE UNITED STATES,  
Vienna, May 14, 1878. (Received May 29.)

SIR: Yesterday evening the following telegram was delivered to me. At first, upon observing the errors of the address, I supposed that it was sent to this legation by mistake for that of some European power; but subsequently I was informed that similar telegraphic appeals were delivered also to the embassies of the European powers. I therefore transmit it at once, with all the errors of the telegraphic text, for your information, in compliance with the request of the memorialists, having no reason to doubt its genuineness:

[Translation.]

His excellency the ambassador of the Empire of America, at Vienna, from Galarasi:

The undersigned beg permission to communicate the reasons for this telegram to the high ministers for foreign affairs of your empire. With sentiments of the deepest

respect, the undersigned, poor Mussulmans, inhabitants of Silistria and population of the district, have the honor to advise you that fifty thousand souls *de plus quale* are now in our district, in which number only ten thousand Christians are included. Moreover, pursuant to the final conditions of peace, the fortresses of Silistria have been transferred to Russia. To-day, unfortunately for us, a great change in the local authority has been made. Only two months ago the malefactors, disturbers of the public peace, have through their depredations begun to cause apprehensions of regrettable and unhappy occurrences, inasmuch as travelers and traders who pass over the country, as well as the inhabitants of the Mussulman villages, have been robbed, stripped, severely beaten, seriously bruised, wounded, and even killed by the Bulgarian brigands. Up to this present time we have lost sums amounting to several millions, represented in animals and other property in the district; finally, during the last few days the Russian soldiers in the city have threatened to enter our houses, and even the apartments of the women, without previously asking our permission, and in disregard of our religious customs. Entertaining no longer confidence, we consider our present position full of danger, and would regard ourselves fortunate in finding an opportunity of removing to some other place, even with the sacrifice of all our property and possessions. In the name of justice and humanity, by which we are entitled under the law of civilization to address high impartial judges and demand aid and protection, we pray also in the name of our distressed families, that the necessary measures may be adopted in this matter for the purpose of respecting the security and tranquillity of these populations. On the part of the Turkish nationality.

MEHMED HAKKO.  
HADJI SOULEIMAN.  
HUSSEIN GHULCHEN IBRAHIM.

SILISTRIA, April 30, 1878.

I ought to add that during the last few weeks there have been throughout European Turkey so general and so uniform movements, nominally on the part of Greek and Mussulman inhabitants, for the expression of discontent with Russian and Bulgarian rule, and with the arrangements made at San Stefano, that I have been forced to the conclusion that they were inspired by the agents of a government practically acquainted with the force of public opinion, desirous to modify or change the present direction of Christian sympathy, familiar with the means of creating a public sentiment, and interested in the result. European Turkey has for many years been the special field of diplomatic and international intrigue. Just now Greece in the south, Austria and Servia in the west, and England everywhere, are at work to support their respective claims by appeals to one or another portion of the greatly diversified population of the provinces of Turkey. The object of most of the recent appeals is not so much affirmative as negative; it appears to be chiefly the negation of the present arrangements. In some cases, however, they express a desire for annexation to a different nationality from that proposed.

I am, &c.,

JOHN A. KASSON.

---

No. 30.

*Mr. Kasson to Mr. Erarts.*

No. 76.]

LEGATION OF THE UNITED STATES,  
Vienna May 19, 1878. (Received June 3.)

SIR: Count Schouvaloff yesterday left St. Petersburg for London. As the diplomatic pulse at Vienna responds quickly to the Oriental pulsations of the northern courts, I availed myself of the opportunity of a dinner at one of the embassies yesterday, at which were two or three officials of the foreign office, to ascertain the fact that the count's object had been gained, and that he was returning to London feeling that his mission had been successful. The hopes of a congress and of peace are

therefore strengthened. Still the most complete ignorance exists of the points which form the basis of the expected adjustment. But the assurance is everywhere felt that if, in any way, England is satisfied, European peace will not be further disturbed.

If it were not for the energy displayed by the Russians in preparing to add to their navy the vessels they appear to be buying in American ports, I should still consider the chances of war and peace about equally balanced. But the unquestionably justifiable apprehensions in England of a serious loss of the Atlantic commerce in the event of war, and the consequent disturbance of their great manufacturing industries, have converted the warlike demonstrations of Russia upon our coasts into effective movements toward peace. This influence has been aided by the serious discontent of the laboring classes, breaking out recently into destructive tumults, which are but a foretaste of occurrences to be expected if Russian naval operations should abridge the already diminished demands upon their factories. So, at this moment, the chances for peace preponderate, but with a still uncertain balance. I have more than once advised you of the interest manifested here in the possible facilities afforded along our coasts for naval aid to Russians in case of war between them and England. Since I began to write upon that subject it has been largely discussed in the English press. This discussion itself has practically helped the cause of peace, by indicating to England her vulnerable heel, which all her mailed ships cannot cover from the attacks of flying cruisers. A few days since the British ambassador made me a long call and turned the conversation into inquiries on the subject of our neutrality laws, whose complete stringency I explained to him. At the same time I did not conceal from him the difficulty of enforcing them along 5,000 miles of coast, where in many cases all the evidences would go to sea with the violators of the law, leaving the most energetic prosecutors helpless.

I beg leave now to bring to your attention, if not already anticipated by your own examination, another point, arising from the sixth article of the "Alabama" treaty. Its importance has been suggested to me by the anxious assertions of the London journals of their confidence in *our* fidelity to the THREE RULES established by the Washington treaty of 1871. These rules are at first only declared applicable to the particular cases pending in arbitration. Then follows this clause: "And the high contracting parties agree to observe these rules as between themselves in future, and to bring them to the knowledge of other maritime powers, and to invite them to accede to them."

If I am not wrongly informed, the United States Government has repeatedly urged the English Government to comply with the second branch of this engagement, but without result. The records under your hand will determine the fact. This engagement is absolutely mutual and entire. If England has refused, or neglected after demand, to execute a part of it which devolved on her, how much obligation remains imposed on our government to execute another part on the demand of England? The clauses behind the comma are as much a part of the consideration as that before it; and I am under the impression that the English minister was warned of this construction before Mr. Fish went out of office.

In commenting here on our neutrality laws, and especially on section 5283, I cannot, in the absence of advice from the Department, construe the law prohibiting the purchase or equipment, in our ports, of vessels adapted to war uses as applicable in time of peace. If the literal con-

struction claimed (in one instance by an American journal) were to prevail, our shipbuilding and gun factories must be permanently closed against all purchases by foreign governments except those should be our actual allies in war. For all such vessels and arms are in fact bought "with intent" to be used against a nation with which we are at peace, if and *whenever* war shall break out between the purchaser and such friendly government, or even against our own. Certainly our law did not intend to stop commerce in military material preparatory to possible or even probable war, so long as the world actually continues in a state of peace. Troubled relations between two governments friendly to us do not banish either of them from our ports, ship-yards, and factories, until such relations have been notified to us to be belligerent, or have notoriously become so.

I have, &c.,

JOHN A. KASSON.

---

No. 31.

*Mr. Kasson to Mr. Evarts.*

No. 81.]

LEGATION OF THE UNITED STATES,  
Vienna, June 1, 1878. (Received June 14.)

SIR: The telegram dispatched to me by the Department (bearing no date) was received here on the morning of the 30th ultimo, as follows:

[Telegram No. 9671.]

KASSON, *Minister Vienna:*

Urgence. Vienne de Washington, 85.14 V. Brest. Telegraph answer of Austria respecting monetary conference and date thereof.

SEWARD.

On the same day I called at the foreign office to advise the urgency of your desire for early information of the decision of this government. Baron Orezy, who personally approves the plan of a conference, told me that while the invitation of the United States had been accepted by the Hungarian Government, the Austrian had not yet acted upon it; but he would address a personal note to Baron de Pretis, the Austrian minister of finance, requesting an early decision.

The jurisdiction of the coin questions involved in the monetary conference proposed by the United States, does not belong to the common ministry of the whole empire, but to the respective local governments of the Austrian Empire and Hungarian Kingdom. To them your invitation was referred by the minister of foreign affairs. He has deferred the formal communication of the decision of either to me until he shall be able to communicate the resolution of both governments. Verbally, he notified me of the Hungarian decision. I therefore telegraphed an answer to you on the same day your telegram was received, in the following terms:

STATE DEPARTMENT, *Washington:*

Hungary accepts. Austria still undecided. Action urged.

KASSON.

I shall also telegraph you the formal decision as soon as notified to me. I had not neglected to previously call the attention of this government from time to time to the invitation. While Hungary acted with



promptitude, Austria deliberates at leisure. But it is to be remembered that the Austrian as well as the Hungarian Government has been much engaged and embarrassed by the unsettled condition of the relations between the two parts of the empire.

From my conversation with Baron Oreyz I conclude that the preference of this government will be for Paris as the place, and the month of September as the time for the meeting of the conference.

I have, &c.,

JOHN A. KASSON.

No. 32.

*Mr. Kasson to Mr. Evarts.*

No. 82.]

LEGATION OF THE UNITED STATES,  
Vienna, June 5, 1878. (Received June 20.)

SIR: The United States Government has on different occasions interested itself in the question of protecting American Jews traveling or residing in Roumania, and has expressed its sympathy with the oppressed condition of the race in that country. Preliminary to a report which I am preparing respecting the establishment of treaty relations between the United States and Roumania, whose independence, it is expected, the congress about to assemble will recognize, I beg leave to bring to your attention the question of securing the object in which so many of our compatriots take a deep interest.

In anticipation of Roumanian independence, Germany commenced negotiations with the Roumanian Government for a commercial treaty. According to information received here, the hostility of the latter to the recognition of equal rights for Jews of a foreign nationality with those of other citizens or subjects of the same nationality would have practically proscribed a portion of the German subjects. For that reason the proposed treaty was not accepted by Germany.

There is little conception in America of the tenacity of the prejudice against that race in Roumania, and of the contempt and occasional violence and wrong to which this prejudice leads, as well as to the legal deprivation of the ordinary privileges of good citizenship.

It would be to the honor of the United States Government if it could initiate a plan by which at once the condition of American Hebrews resident or traveling in Roumania, and the condition of natives of the same race, could be ameliorated and their equality before the law at least partially assured.

The European congress is about to assemble, and will be asked to recognize the independence of Roumania. Would there be any just objection to the United States Government offering on its part, if the European powers would on their part make the same condition, to recognize the independence of that country, and to enter into treaty stipulations with its government, only upon the fundamental preliminary agreements:

1. That all citizens or subjects of any such foreign nationality shall, irrespective of race or religious belief, be entitled to equal rights and protection under the treaty and under their laws.

2. That all subjects or citizens under the jurisdiction of the Roumanian Government shall, irrespective of their race or religious belief, have equal rights of trade and commerce with the citizens or subjects of the

foreign governments making such treaty; equal rights in the purchase, consumption, barter, or sale of the products of such foreign country, and in sales of Roumanian products to such aliens; equal rights to make contracts with the citizens or subjects of such foreign government, and to be equally protected by the laws in the exercise of the rights so secured.

To this extent, at least, it seems foreign governments would be justified by international law and the law of self-interest; while they would at the same time give effect to the humane instinct of all truly civilized and Christian nations. The persecuting and oppressive spirit is so strong in Roumania against the Jews that it requires united action by liberal and constitutional governments, as well as an appeal to the strongest desires of the Roumanian people, which are just now to be permitted to enter the family of nations, to bring relief and emancipation to this proscribed race.

Your own judgment will improve, doubtless, the form of action above suggested; but it will be sufficient, I hope, to attract your attention to a question, the favorable solution of which would greatly gratify the American people, and evoke especial gratitude from that race which has found in the United States absolute legal equality and security, and the occasion of the congress is most favorable for giving it effect, if approved.

I have, &c.,

JOHN A. KASSON.

No. 33.

*Mr. Evarts to Mr. Kasson.*

No. 40.]

DEPARTMENT OF STATE,  
Washington, June 18, 1878.

SIR: You are requested to inform the Government of Austria-Hungary that in addition to the acceptance by that government of the invitation of the United States to participate in an International Monetary Conference, acceptances of similar invitations have been received from the Governments of Belgium, France, Italy, the Netherlands, Greece, Russia, and Switzerland, and that so far as any views have been expressed by those powers respecting the selection of a place for the meeting of the proposed conference, a preference for Paris has been signified.

In this selection the Government of the United States concurs.

It is desired that in bringing these facts to the knowledge of the government to which you are accredited, you should call attention to the provision of the act of Congress of the 28th of February last, which prescribes that the conference shall be held within six months, and state that the 25th of July is accordingly suggested as the day for the meeting thereof.

You will at the same time express the hope that the designation of the place and time here specified for the meeting of the proposed conference will receive the early concurrence of the Government of Austria-Hungary.

I am, &c.,

WM. M. EVARTS.

No. 34.

*Mr. Kasson to Mr. Erarts.*

No. 89.]

LEGATION OF THE UNITED STATES,  
*Vienna, June 29, 1878. (Received July 13.)*

SIR: The various questions pending between Austria and Hungary, which have impeded the conclusion of a new compromise to take the place of that of 1867, which was limited in duration to ten years, have now been adjusted, and the various laws which constitute the new adjustment, binding on the two halves of the empire, received the imperial approval on the 27th instant.

The most important of these are: 1. The assumption of the debt due the Austrian Bank of eighty millions of florins (of which I have before written) by the Austrian and Hungarian Governments respectively, in their fixed proportions. 2. The customs-tariff act, which remains in substance in the terms last communicated by this legation to the Department. (So soon as I can procure an authentic printed copy of this act, I will forward it for the use of the Treasury Department at Washington.) 3. The act regulating the quota to be contributed by each portion of the empire to the current expenses of the common government. 4. The national-bank act which changes the name of the existing institution from that of the Austrian National Bank to that of Austro-Hungarian, with a bureau and portion of its capital at Buda-Pesth, as well as at Vienna. This re-establishment of a common constitution, obligatory on both Austria and Hungary, has greatly relieved the situation in which the common imperial ministry found itself in presence of the complications of the Oriental question. The government will now feel itself much stronger in the demands it has to make of the congress at Berlin. The evidence of this feeling is already apparent in the increased vigor of its military movements on the frontier and in the firmness with which its demands are expressed.

I will write more fully of this adjustment so soon as I shall have recovered from an illness which now confines me to my chamber.

I have, &c.,

JOHN A. KASSON.

No. 35.

*Mr. Kasson to Mr. Erarts.*

No. 90.]

LEGATION OF THE UNITED STATES,  
*Vienna, June 30, 1878. (Received July 17.)*

SIR: I have heretofore had occasion to speak of the cloudy definition given to the public of the views and purposes of this government in respect to the Oriental question. The more satisfactory condition of Austro-Hungarian internal affairs, and the necessity of greater precision in the presence of the Berlin congress, have naturally led to a clearer understanding of the views and claims of the cabinet at Vienna. Owing to the secrecy imposed on the members of the congress, which has been in the main well observed until results were attained, the fourscore of journalistic correspondents at Berlin have been able to do little else than confuse the public judgment by their unauthorized reports. What I have now to communicate is founded, therefore, upon actual events here,

and a careful comparison of the announcements and arguments presented by the journals of this empire.

It appears, then, that there are two controlling considerations which shape Austro-Hungarian policy:

#### I. HOSTILITY TO SCLAVIC INFLUENCE.

There exists a very strong hostility to any new concentration of the power and influence of the Sclavic race outside of and near to her own frontiers. She fears that any new centers of such influence would become the seat of agitation for new combinations and further unity of the people of that race, which would in turn increase the existing dissatisfaction of that large portion of the race already embraced within this empire. The ruling Magyars of Hungary are especially sensitive on this point. Hence one fixed object of Austro-Hungarian policy at the congress is the restriction as far as possible of this generic element in the new semi-independent principality of Bulgaria. This naturally led to her alliance with England in all points which would strengthen the power of Turkey on the line of the Balkans, between Bulgaria and the new Roumelia, and for the maintenance of Turkish dominion over the latter province.

The same sentiment has fixed her in a position of hostility to the northward extension of Montenegro and the southward extension of Servia. She will insist on securing as wide a space as possible between the boundaries of those two Sclavic principalities. Whether in this she will have the assistance of England remains to be seen.

There exists also her interest in the disposition to be made of the same race-elements existing in Bosnia and Herzegovina, which are conterminous with her own southern frontier. The presence there of a considerable Mohammedan population has led to chronic civil disorders, until they can hardly be said to be governed at all; and this empire has suffered consequently from the invasion of great numbers of pauper fugitives seeking refuge within her borders. A look at the map will also show that these provinces are geographically a back country whose outlet should be through the Austrian Adriatic provinces. I have heretofore written to you that Austria was preparing for a military occupation of these provinces. This occupation appears now to have been postponed until the sanction of the Berlin congress shall have been sought and, if possible, obtained. The indications now are that she will receive this commission from European authority to restore order and security there, and that Turkey will not resist by force of arms. What ultimate result of future dominion will follow this occupation remains to be seen. But it will give Austria a new military position of great importance in the future supervision of Servia.

It is in this manner, according to the best light accessible to me, that this government proposes to quiet her fears of the increase of the power and influence of the Sclavic race, resulting from the emancipation of Turkish provinces in Europe. If it shall be only the beginning of the extension of this empire eastward and southward, it opens an interesting field for historical speculation. Let some great Hungarian statesman secure hereafter the control of the government, abandon the German alliance, ignore the German element, push his armies on the Ægean, anticipate Russia at Constantinople, resting the right of his empire on the Adriatic, his left on the Bosphorus and Ægean, with Buda-Pesth for his political and Constantinople for his commercial capital! What then?

#### II. RAILWAY AND COMMERCIAL CONTROL IN THE EAST.

The second controlling object of Austro-Hungarian policy appears to

be the attainment of certain lines of commercial communication across the Turkish provinces in Europe, by the aid of which she may find new markets and outlets for her products and manufactures. Beside the countries of Roumania and Servia, with which she is already in communication both by the Danube and by railway, there are large interior districts into which run the railways from Constantinople and from Salonica.

Turkey seems to have desired not to extend these roads so far as to connect them with the European system, or even to make them easily accessible to the rest of Europe. The old Roman Empire left everywhere there its monuments as a road-making power. The Ottoman Empire on the contrary has usually left its monuments as a road-obstructing power. Jealousy of foreign approach is a universal Asiatic characteristic. Austria wishes to break this system as it exists in the Turkish provinces, and to connect these isolated railways with her own system. The one from Constantinople points to Belgrade and Buda-Pesth; that from Salonica, through Bosnia toward the Ægean and Vienna.

The latter railway will run through the strip of territory lying between Servia and Montenegro. For this reason, also, as well as for that heretofore given, Austria desires a wide street between those two principalities for the security of this communication. While she hopes to control the upper portion of this one line by her military occupation of Bosnia, she hopes by special arrangements with the other principalities to provide for the completion and possible extension of the railway system.

Although the immediate object of Austria in this respect appears to be the establishment of increased commercial facilities for her people, one easily foresees how largely the accomplishment of this object will augment her political influence and power over the Oriental provinces, and will facilitate any projects of future territorial extension which may now exist *in petto*.

Austria, like England, appears at the congress to be controlled by her special material interests. If any high sentiment affects any power now sitting at the congressional table, it would seem to be Russia alone, who has sacrificed both blood and treasure for the emancipation of the Slavie race beyond her own borders. The cry of Roumania against the proposed mutilation of her territory finds the ear of Austria as deaf as the other powers have shown themselves to be. Whether the congress will even establish a rule for the liberty and equality of religious worship and of race in the provinces of which they assume the reorganization, is still a matter of doubt. The reports are conflicting, and we can only await the official declaration of the result.

I have, &c.,

JOHN A. KASSON.

---

No. 36.

*Mr. Kasson to Mr. Evarts.*

No. 96.]

LEGATION OF THE UNITED STATES,  
Vienna, July 13, 1878. (Received August 22.)

SIR: The Shah of Persia, returning from his visit to Paris, has sojourned some days at Vienna as the guest of the Emperor. Through the Austrian functionaries in intercourse with him I learn that both he and his suite give evidence of great improvement since their former

visit to Europe in 1873. His manners were formerly impetuous and imperious, indicating a full appreciation of his Persian title as ruler of rulers and central sun in the political firmaments. The air of contempt for all coming in contact with him has greatly passed away under the softening influences of his contact with western civilization. The great powers of the Christian world, and especially the gracious manner of the Austrian Emperor, have shown him that the authority over many more millions of people than he or his ancestors ever ruled may be exercised without the outward show of a despotic will. The Persians have also lost much of their disregard for cleanliness, and manifest more conformity to the rules of a regulated household. They still refuse the use of beds, sleeping on carpets, but avoid the domestic disorder which characterized their former visit. They travel with heavy boxes of gold for their expenses, declining the convenient usage of bills of exchange. The Shah's suite consists of twenty persons besides six inferior servants. Of these twenty, sixteen were designated for invitation to the first dinner given to the Shah by the Emperor. From this list the Shah scratched the names of four, leaving only twelve of his suite as of sufficient dignity to sit at the table with him. His grand chamberlain took post behind his chair, where he remained throughout the dinner. Only one or two of the company have the pure Persian race-type, the others indicating more or less mixture of Turcoman and alien blood. One, the cousin of the Shah, and the chief of an ancient distinct tribe, and who acts, I think, as treasurer, reproduces much of the old Assyrian type of face and head as recognized on ancient coins and images.

\* \* \* \* \*

If the United States desired a commercial treaty with the Shah, it is very probable a favorable one could now be obtained, which might be of especial advantage to our cotton manufacturers and to some other branches of trade. If, as is reported in the English journals, they [the U. S.] are already introducing their cotton fabrics into England, they ought to be able, on equal terms, to supersede the English manufacture in Persia. In the absence of diplomatic or consular representation of our country there, I can give only partial statistics relating to the probable consumption of these or other American articles in that part of Asia. The whole external trade of Persia can only be roughly estimated. It is considered to amount annually to about \$18,000,000 to \$20,000,000, of which some \$12,000,000 are imports against some \$7,000,000 exports. Its amount is seriously affected by the occasional failure of the silk product, which is of the greatest importance in Persia. Cotton goods and cotton yarns form a large item of the imports, to which are added cloths and manufactured silks. Doubtless American fire-arms and other specialties would be profitably introduced by special representations of the trade. Tabreez is the principal center of Persian trade, and attracts merchants from Samarcand, Cabul, Bokhara, and Beloochistan. I gather from English statistics that in the three years 1873-1875 the average value of English cotton goods annually imported for the Tabreez market was about \$4,000,000. The usual commercial route to Tabreez is via Constantinople to Trebizond and thence by caravan to destination.

England, France, and Russia have missions at the Persian capital. To these Austria is about to add a fourth. The imperial government has just designated Count Zaluski as their envoy, a gentleman who speaks Arabic and Turkish and is partially acquainted with the Persian language. By invitation of the Shah he will here join the royal party, having excellent opportunity on the journey to secure a favorable influence with His Majesty and with the principal chiefs of administration.

with him. They travel from Vienna in a special train as far as the Volga; thence in a government steamer to Astrakhan, and thence in a Russian ship of war to the Persian port on the Caspian.

I note these observations upon the Shah's visit as one of the indications of the surely-advancing influence of Western arts and ideas upon the almost stagnant condition of Asiatic society.

I have, &c.,

JOHN A. KASSON.

No. 37.

*Mr. Kasson to Mr. Evarts.*

97.]

LEGATION OF THE UNITED STATES,  
Vienna, July 13, 1878. [Received July 30.]

SIR: I inclose herewith a copy of the original text, with a translation, of the formal notification by the imperial government of the acceptance by Austria and Hungary of the invitation extended to them on the part of the United States to participate in the international conference on the relations of gold and silver as money; an invitation communicated to this government by me on the 8th of April last. This reply was to-day delivered to this legation.

There appears no objection to Paris as the place, or the 10th of August as the time, for the meeting of the conference.

I have, &c.,

JOHN A. KASSON.

[Inclosure to dispatch No. 97.—Translation.]

*Count Orezy to Mr. Kasson.*

In his esteemed note of the 8th April last, the envoy extraordinary and minister plenipotentiary of the United States of America, Mr. John A. Kasson, was pleased to communicate to the ministry for foreign affairs the law passed by the Congress of the United States of America relative to the coinage and circulation of silver money. and in the name of his government to address to us an invitation to a conference upon an international introduction of a double currency.

The envoy was similarly pleased, in his subsequent notes of the 2d and 4th instant, to propose Paris as the place, and the 10th of August next as the time, for the assembly of the conference in question.

Upon this conference the ministry for foreign affairs has not omitted to place itself in communication with the imperial and royal Austrian and the royal Hungarian ministers of finance, and it affords pleasure to the undersigned this day, in accordance with his previous oral declarations, to formally advise the envoy that the government of His Imperial and Royal Apostolic Majesty accept with thanks the invitation received; and although it is not unaware of the difficulties of an accord upon the subject, still it is willingly disposed to enter upon a discussion of the proposed question.

It is not less agreed as to the time and place of the proposed conference, and will adopt such arrangements in order that its delegates, whose appointment will soon take place, may be in Paris on the designated day.

In regard to the actual meeting of the conference, and not less in regard to the programme of the conference, the government of His Imperial and Royal Majesty believes that it is entitled to expect a detailed specification from the American envoy.

The undersigned avails himself of the occasion to renew to the envoy the assurance of his distinguished consideration.

Vienna, 12th July, 1878.

For the minister for foreign affairs.

OREZY.

No. 38.

*Mr. Kasson to Mr. Evarts.*

No. 101.]

LEGATION OF THE UNITED STATES,  
*Vienna, July 24, 1878. (Received August 10.)*

SIR: Inclosed herewith I transmit a copy of my response to that clause of the communication from the minister for foreign affairs of which a copy was sent to you in my dispatch No. 97, which read as follows:

In regard to the actual meeting of the conference, and not less in regard to the programme of the conference, the government of His Imperial and Royal Apostolic Majesty believes that it is entitled to expect a detailed specification from the American envoy.

It seemed to be my duty to take notice of this request, and in the absence of advices from the department I could only indicate what I believed to be the natural sequence of the late day at which invitations were accepted and appointments of delegates made. It is to be hoped, however, that the delegates of the United States, as the government taking the initiative, may be prepared in Paris with a programme to be submitted for the organization and for the course of discussions of the conference. The designation of a president, secretary, &c., masters of the French and, if practicable, of the English language; the topics to be referred to commissions of the body for report; the place of meeting; the hour for the first meeting, &c.—all these are subjects on which foreign delegates will naturally look to the inviting government to take the initiative. Without doubt your delegates have instructions on these points, and will, in special consultation with the French delegates, who by custom would furnish the president, be prepared with preliminary propositions. But being myself without advices, I could only leave the subject where my note to the foreign office has left it.

I have, &amp;c.,

J. A. KASSON.

[Inclosure to dispatch No. 101.]

*Mr. Kasson to Count Andrassy.*LEGATION OF THE UNITED STATES,  
*Vienna, July 23, 1878.*

The undersigned, envoy extraordinary and minister plenipotentiary of the United States of America, referring to the communication from the ministry for foreign affairs, accepting the invitation to the international conference proposed by the Government of the United States, to be held at Paris on the 10th of August next, has taken note of the expectation expressed therein, that the Government of His Imperial and Royal Apostolic Majesty will be furnished by the undersigned with a detailed specification of the programme of the conference.

In the absence of advices from his government respecting this programme, the undersigned only feels at liberty to assume that the delegates of the United States, who are the Hon. Reuben E. Fenton, the Hon. William S. Groesbeck, and Prof. Francis A. Walker, will bring with them to Paris the further propositions of their government, and that the detailed programme can only be arranged by the delegates of the several governments in consultation after their arrival in Paris. The law, of which the undersigned had the honor to transmit a copy to the ministry for foreign affairs at the time of communicating the invitation—at the same time calling the attention of his excellency Count Andrassy to the particular paragraph of that law proposing this international conference—this section of the law indicates in general terms the objects of the conference and the central points for discussion. Beyond this the undersigned is without instructions, and believes that, owing to the distance from Washington and the brief time intervening before the date of assemblage, the further instructions will be in the hands only of the delegates of the United States at Paris.

The conference being held in Europe, instead of at Washington, has doubtless dis-



posed the government of the undersigned to leave the question of a detailed programme more freely to the deliberation, or perhaps to the initiative, of the conference assembled.

The undersigned will be glad to be advised of the names of the Austrian and Hungarian delegates, that he may transmit them to his government as well as to the delegates of the United States who are expected at Paris about this time. And he avails himself of this occasion to renew to his excellency the assurance of his distinguished consideration.

JOHN A. KASSON.

No. 39.

*Mr. Kasson to Mr. Evarts.*

No. 105.]

LEGATION OF THE UNITED STATES,  
Vienna, August 3, 1878. (Received August 22.)

SIR: In concluding my review of the negotiations at Berlin, and of the action of the great powers in the Oriental question, I now beg your attention to those points of the treaty which may affect the conventional, the commercial, or the religious interests of the United States. As you will soon be in possession of an authentic copy of the treaty, I content myself with attracting your notice to the articles of the treaty without copying the text.

I. BULGARIA (Articles 1-12).—By Article 7, as soon as the constitutional regulations of this principality shall be completed (within nine months) a prince is to be elected; and so soon as he shall be inaugurated "the principality shall enter into the full enjoyment of its autonomy."

The language of the eighth article is not so clear in the French as it should be, and it is still more obscure in the English translation as published at London. But it is clear that our treaty with Turkey remains in force over Bulgaria until our consent has been obtained to its modification. And it would seem that Bulgarian autonomy includes the exclusive right to agree with foreign powers upon such modifications. Consular jurisdiction continues as heretofore until changed, and perfect equality is established among foreigners of the different nationalities. The doubt is whether this autonomy, while the Sultan remains suzerain, excludes the Porte from all right of intervention in respect to new conventions between Bulgaria and foreign powers. I believe that to be the intention.

II. ROUMANIA (Articles 40-49).—Roumania as an independent government has full treaty-making powers (Article 46), but rights already acquired continue until modified by new agreement between her and the other nationality concerned.

III. SERVIA (Articles 31-39).—By Article 34 the present conventional arrangements of every sort touching commercial, consular, and personal rights of foreigners in the Servian principality remain in full vigor until modified by common accord of Serbia and the foreign power interested.

IV. MONTENEGRO (Articles 24-30).—Although admitted to independence absolutely by Article 24, subsequently, by Article 27, the independence of Montenegro is conditioned, in connection with her acquisition of a sea-coast. She can have neither vessels nor flag of war, and must adopt the same maritime legislation as that which exists in the Austrian littoral province of Dalmatia, and must submit to the maritime and sanitary police of Austria-Hungary. Her waters can admit no foreign vessel of war. Austria-Hungary promises to give consular protection to the merchant flag of Montenegro. Subject to these provisions, which are

conditions rather of her littoral annexations than of her governmental independence, Montenegro has obtained all the treaty-making rights of an independent government without the reservation of the continuing force of existing Turkish treaties over her territory.

V. PROVISIONS TOUCHING RELIGION.—Absolute freedom and equality of religious faith and profession for all forms of faith and worship, and of the persons adhering to these different forms of faith, are expressly stipulated in Bulgaria (Article V); in Montenegro (Article XXV), in Servia (Article XXXII), and in Roumania (Article XLI), in identical phraseology. The new province of Eastern Roumelia has the assurance (Article XX) of only that religious freedom which is guaranteed by the general laws of the Ottoman Empire. But by Article LVII religious liberty and the personal equality of the adherents of all the religious rites are stipulated and declared for all the provinces of the Turkish dominions.

The exceptional situation of Bosnia and Herzegovina, from which the Sultan's authority is excluded, leaves a question whether in these districts this guaranty will be enforced. It cannot be done by the Porte. If decreed at all, therefore, effect must be given to it by the Vienna government; and Austria, as a signatory of the stipulation, can be called on to enforce it so long as she maintains her occupation, while admitting these provinces to be a part of the Ottoman Empire; for the stipulation of religious liberty is universal—"*dans toutes les parties de l'Empire ottoman.*"

You will observe in reading the model article (V) how completely that equality of religious right is expressed. I wrote you before the meeting of the congress in respect to the propriety and possibility of ameliorating the condition of the Jews in these principalities, by coming to accord with European governments upon some clause of a treaty in which this could be secured as a condition of the recognition of their independence. This result has been attained by the great powers in the Berlin Treaty; but it remains to give effect to it by a change of the laws in the several principalities. Unless and until this is done, it would be wise to incorporate the provision in substance in any treaty made with the principalities; and especially so in the case of a government which is not a party to the Berlin Treaty.

VI. From my knowledge of the condition of these several principalities, now become independent or autonomous, I feel authorized to urge upon the home government the propriety—I might almost say the necessity—of establishing a consular representation of the United States in each of them, and of attaching them to some convenient diplomatic jurisdiction. There should certainly be a consul at Bucharest, at Belgrade, and at Antivari.

I have, &c.,

JOHN A. KASSON.

---

No. 40.

Mr. Evarts to Mr. Kasson.

[Telegram.]

WASHINGTON, August 5, 1878.

Ninety-seven received. Conference will itself adopt and arrange scope and methods of discussion, each government's commissioners presenting its views in such preliminary discussion. Communicate.

EVARTS, Secretary

No. 41.

*Mr. Evarts to Mr. Kasson.*

No. 45.]

DEPARTMENT OF STATE,  
Washington, August 5, 1878.

SIR: Your No. 97, communicating intelligence of the official acceptance by the Austro-Hungarian Government of the invitation to participate in the proposed Monetary Conference, has been received.

It is observed that in the note of the minister for foreign affairs announcing this decision it is intimated that this government will be expected to furnish a detailed specification respecting the actual meeting of the conference, as well as its programme of proceedings. To meet this requirement, a telegram has this day been addressed to you to the effect that the conference meeting under the invitation communicated will itself adopt and arrange the scope and methods of discussion, each government's commissioners presenting its views in such preliminary discussion. It is presumed that ere this reaches you you will have communicated the telegram, as requested, to the minister for foreign affairs, for the information of his government.

I am, &amp;c.,

WM. M. EVARTS.

No. 42.

*Mr. Kasson to Mr. Evarts.*

No. 109.]

LEGATION OF THE UNITED STATES,  
Vienna, August 27, 1878. (Received September 11.)

SIR: General Ulysses S. Grant, ex-President of the United States, in the course of his European tour, arrived at Vienna on the 18th instant. He was accompanied by Mrs. Grant, and did me the honor to accept the invitation to be my guest during his sojourn in this capital.

With much pleasure I endeavored to fulfil on my part the instructions contained in your circular of the 23d of May, 1877. He was greeted at the station by the *personnel* of this legation and the consul-general, and conducted in my carriage to the legation. He was presented to the emperor on the 20th, and dined with his imperial majesty on the 21st, taking place at the right hand of the emperor, who had also previously detailed an aide-de-camp to be at the general's disposal during his sojourn at the capital. In addition to a dinner given to him by the consul-general, and also at the residence of the secretary of legation, and various guests invited to meet him at my house at lunches and dinners, the Americans resident here were invited by me to one formal dinner with him; and on the Saturday before his departure I gave another special dinner in his honor, with more numerous guests gathered from the higher Austrian official and military ranks and from the diplomatic corps.

The ex-President left my house yesterday, the 26th instant, on his way to the mountains in the vicinity of Salzburg, where I have promised to join him for a few days. Through the intervention of the emperor's officers a special car was placed at his disposal, on which he left, hoping to find a period of rest for a few weeks in Southern Austria.

I have, &amp;c.,

JOHN A. KASSON.

## No. 43.

*Mr. Kasson to Mr. Everts.*

No. 111.]

LEGATION OF THE UNITED STATES,  
Vienna, September 20, 1878. (Received October 5.)

SIR: The undertaking by this government to occupy and govern Bosnia-Herzegovina proves to be a much more serious undertaking than its advocates anticipated. It has at no time been a popular enterprise with the people of Austria, while those of Hungary have been persistently hostile to it.

It is supposed that not less than 125,000 troops are assigned to \* \* \* the conquest of these provinces. No great battle has been fought, but numerous rather obstinately-contested combats have taken place, in which the enemy \* \* \* have been generally defeated, but have nevertheless inflicted losses upon the invading forces amounting hitherto in all to perhaps from three to four thousand men *hors de combat*.

The country sought to be reduced to a dependency of Austria-Hungary is occupied by a brave and historically warlike race. Their ancestors of the ancient Serb immigration fought the Romans some fourteen centuries ago, and finally reached the Adriatic at the ancient Dyrrachium, now Durazzo, which they captured by bloody storming. Afterward they constituted a Serb Empire, embracing Bosnia, Servia, Montenegro, and other adjacent territory. Later they waged wars with Hungary, and wars with Venice, and wars among their own confederated provinces. At last, the western tide of Ottoman conquest reached them, and brought them into nominal subjection to the Sultan in the fifteenth century. Immediately then commenced the suppression of Christianity and the propagation by force of the Mussulman faith. The old Christian nobility were more than decimated in the wars, some of those remaining migrated with their followers into Dalmatia and Croatia, while a large number abandoned their creed, and accepted the faith of their conquerors; and so retained their lives, their lands, and their dignities. The humble subjects who retained their faith sank into a class of despised and wretched serfs, tolerated by their masters who required their labor. The descendants of these converted Christian lords became the most fanatical of the followers of Mahomet, and are the landholding, warlike, turbulent, cruel, and unconquered Begs of this epoch. The Christian descendants of the old subject class are the contemned and maltreated rayahs of this century.

The Begs, proud of their pure Serb blood and of their domination unbroken for centuries, have, during nearly the whole period since the Ottoman conquest, maintained a semi-independent relation to the Porte. They have paid tribute and lent their swords to the service of the Sultan, but if their will was thwarted by a dominant pasha, they drove him off or decapitated him, and had no fear of occasional rebellion to substantiate their right of self-government, and their resolution to repel all reforms and all elevation in the condition of Christians which European civilization might force from the Padishah at Constantinople. Even after the temporarily successful effort under Omer Pasha, twenty-five years ago, to execute the firman of the Sultan, the imperial decree in a few years became a dead letter, and the practical sovereignty was again in the hands of the Begs, and the rights of Christian vassals became as insignificant as before. So for centuries, by intrigue, by war, and by rebellion they have maintained their tyrannical autonomy.

This autonomy, which has survived all former assaults of external and internal forces, Austria has now assailed with the moral sanction of Europe, but with only her own financial and military resources. There seems to be no doubt that she will succeed in securing the most important strategic points and lines of communication, so that, in a military sense, the country will be "occupied."

Whether she can retain and administer it without substituting for the Beggars a Christian land-holding class, with arms in their hands, accompanied by disarmament of the Mussulmans, and even by expulsion of their chiefs—this question can only be solved by time and experience. It is a fit country and a fit race for persistent insurrection and for successful guerrilla warfare.

I have, &c.,

JOHN A. KASSON.

## BELGIUM.

No. 44.

*Mr. Wilson to Mr. Evarts.*

No. 8.]

LEGATION OF THE UNITED STATES,  
*Brussels, April 7, 1878. (Received April 22.)*

SIR: I hasten to inform you that, in accordance with instructions contained in your dispatch dated the 14th March, and received at this legation yesterday morning, I sent immediately to the minister for foreign affairs a communication, the copy of which is herewith inclosed.

I hope to see him personally to-day, and shall then read to him the text of the act of Congress inclosed in your dispatch, and explain to him more fully the necessity of an early reply.

I have, &c.,

JNO. WILSON.

[Inclosure in No. 8.]

*Mr. Wilson to Count Aspremont Lynden.*

LEGATION OF THE UNITED STATES,  
*Brussels, April 6, 1878.*

MONSIEUR LE MINISTRE: On the 28th of February last the Congress of the United States passed an act authorizing the coinage of silver dollars, and restoring this money to its legal tender at its nominal value for all debts and dues, public and private, except where otherwise stipulated by contract.

As this act was passed by very large majorities both in the Senate and House of Representatives, and as the President of the United States, in his annual message, expressed his opinion in favor of keeping up, as far as possible, the volume of the two precious metals as the legal-tender coinage of the country, the bi-metallic money policy of the United States may be considered as decided.

In view of the possible inconvenience that might be experienced in our commercial relations with foreign countries by the restoration of silver to the rank of a legal-tender for all debts, public and private, the second section of the act above referred to provides for an international conference, to obviate, as far as possible, this contingency.

The desire of the people of the United States to see silver reinstated as a legal tender was expressed, both in popular assemblies and in instructions to their representatives in the national legislature, in a manner and with a unanimity rarely witnessed before in the agitation of any national subject. In obedience to the popular will thus expressed, and in accordance with the convictions of a large majority in the national

legislature, the bill was passed with a full appreciation of the inconvenience that might result to international trade, but in the hope that the conference therein provided for might so adjust the bi-metallic money standard as to remove this apprehension.

In accordance, therefore, with the provisions of the second section of this act of Congress for such conference, I am, Monsieur le Ministre, requested to invite, in the name of the Government of the United States, the Government of His Majesty the King of Belgium to join the United States in a conference to adopt a common ratio between gold and silver, for the purpose of establishing, internationally, the use of bi-metallic money, and securing fixity of relative value between these metals; such conference to be held at such place in Europe or the United States at such time, within six months from the passage of this law, as may be mutually agreed upon by the executives of the governments joining in the same, whenever the governments so invited, or any three of them, shall have signified their willingness to unite in the same.

As an early adhesion of at least three of the European nations invited to join in this project of a conference is of the first importance, in order that the President of the United States may appoint the commissioners provided for by law, I am requested to bring this subject to the notice of the Belgian Government, with the least possible delay, in order that I may report to my government at as early a moment as possible the wishes and preferences of this government as to the time and place of the proposed conference, that a concurrence on these points may not be too long delayed.

It is scarcely necessary, Monsieur le Ministre, to assure you that the Government of the United States feels a lively interest in the measure herein proposed for conforming the coinage and proportions of the two precious metals to the common advantage of the world, nor need I assure you that, in case His Majesty's Government shall signify a willingness to enter into this conference, the Government of the United States will not fail to appreciate this as another manifestation of that spirit of international confraternity for which Belgium is already so distinguished.

I pray you, &c.,

JOHN WILSON.

Monsieur LE COMPTE D'ASPREMONT LYNDEN,  
*Minister for Foreign Affairs.*

---

No. 45.

*Mr. Wilson to Mr. Evarts.*

No. 9.]

LEGATION OF THE UNITED STATES,  
*Brussels, April 15, 1878. (Received April 29.)*

SIR: I have the honor to inform you that, in consequence of the threatening aspect of the Eastern question and its possible results to Belgium, the minister has asked for a special credit of 10,500,000 francs, to be appropriated to the better defense of the country in the manner described in the inclosed paper.

After an exhaustive examination of the subject, the chamber of representatives, on the 28th of last month, by a large majority, voted this credit, 7,500,000 francs of which are to be raised by an emission of treasury bonds payable in five years from date.

The bill was then sent to the senate, and I have now before me the report of the senate committee unanimously approving of the measure, and prefacing their report with the following language:

[Translation.]

In presence of the conflagration with which Europe is menaced, Belgium may at any moment be compelled to resort to arms in order to secure respect for her territory. It is therefore necessary for her to assure herself of the means of defense recognized as necessary to guarantee her neutrality.

The two new forts for which the appropriation of 3,000,000 francs is asked, are intended as the first of a new line of outlying detached forts for the better protection of Antwerp, already regarded as one of the most strongly fortified cities of the continent.

I have, &c.,

JNO. WILSON.  
Digitized by Google

[Inclosure in No. 2.]

*Special appropriations for War Department of Belgium, 1878.*

## REPORT.

	France.
No. 1. For construction of two new forts on the left bank of the Nethe, south of Antwerp.....	3, 000, 000
No. 2. For the armament of the iron-clad fort St. Marie on the Lower Scheld.....	781, 000
No. 3. For the purchase of cannon of large caliber and long range for entrenched camp, Antwerp.....	2, 096, 000
No. 4. For the purchase of war material necessary for the better provision and equipment of the present army.....	1, 323, 000
No. 5. For the armament and equipment of twenty field-batteries.....	3, 300, 000
Total.....	10, 500, 000

## No. 46.

*Mr. Goodloe to Mr. Evarts.*

No. 15.]

LEGATION OF THE UNITED STATES,  
*Brussels, June 14, 1878. (Received July 1.)*

SIR: I have the honor to inform you that I called on the minister of finance on the 13th, and he volunteered to apologize for his delay in answering definitely the invitation of the United States Government to join in a conference "to adopt a common ratio between gold and silver, for the purpose of establishing internationally the use of bi-metallic money, and securing fixity of relative value between those two metals." He assured me that the tardiness of the Government of Italy in replying to a communication from the Belgian Government in relation to the conference had alone prevented his government from forwarding an expression of willingness to participate in said conference.

He said further that he would make it a point to urge upon his successor (not yet appointed) an acceptance of the invitation.

I have, &amp;c.,

WM. CASSIUS GOODLOE.

## No. 47.

*Mr. Goodloe to Mr. Evarts.*

No. 16.]

LEGATION OF THE UNITED STATES,  
*Brussels, June 21, 1878. (Received July 5.)*

SIR: I have the honor to inform you that on last evening I received official notification of the acceptance of the resignation of the ministry and the appointment of the following-named gentlemen by His Majesty, all of whom have assumed control of their respective portfolios: Mr. H. J. W. Frère-Orban, minister of foreign affairs; Mr. Jules Bara, minister of justice; Mr. Gustave Rolin Jacquemyns, minister of the interior; Mr. Pierre Van Humbeeck, minister of public instruction; Mr. Charles Graux, minister of finance; Lieut. Gen. B. J. Renard, minister of war; Mr. Charles Sainctelette minister of public works.

Three of the members of the new ministry were in the liberal ministry

of 1870, Messrs. Frère-Orban, Bara, and General Renard. The last two named occupy the same positions now as they did then, and Mr. Frère-Orban, who was then minister of finance, is now intrusted with foreign affairs. Messrs. Frère-Orban, Bara, Rolin Jacquemyns, Van Humbeeck, and Saintelette are members of the chamber of representatives; Mr. Graux is a senator, and General Renard an aid-de-camp to His Majesty the King.

I have been to call in person upon all of the incoming and outgoing ministers, and inclose you herewith copies of communications addressed by me to the present and retiring ministers for foreign affairs in answer to official notifications from them of the change of the head of foreign affairs.

I have, &c.,

WM. CASSIUS GOODLOE.

[Inclosure 1 in No. 16.]

*Mr. Goodloe to Count Aspremont Lynden.*

**Monsieur LE COMPTE:** In surrendering the duties of minister for foreign affairs to resume those of senator, I beg you to believe that you carry with you my sincerest wishes for your happiness and prosperity.

Our official acquaintance, though of short duration, was sufficient to enable me to form a high appreciation of your many accomplishments, perfect courtesy, and undeviating kindness, and I trust that our future personal relations may continue to be of a like pleasant and agreeable nature.

I pray, Monsieur Le Compte, that you accept the assurances of my most distinguished consideration.

WM. CASSIUS GOODLOE.

**Monsieur LE COMPTE D'ASPREMONT LYNDEN.**

[Inclosure 2 in No. 16.]

*Mr. Goodloe to Mr. Frère-Orban.*

**Monsieur LE MINISTRE:** I have the honor to acknowledge the receipt of your communication of the 20th instant, in which you are pleased to inform me of your assumption of the portfolio of minister for foreign affairs, vice Le Comte d'Aspremont Lynden resigned.

I hasten to assure you of the pleasure it will give me, always guided by justice and the right, to so act in conjunction with yourself as to draw even nearer in bonds of friendship and reciprocal interests the Governments of his Majesty and that of the United States.

I feel satisfied in advance that our personal as well as official relations cannot be otherwise than of a happy and pleasant nature, and certainly every effort of mine shall be exerted toward the accomplishment of an object so agreeable.

I embrace, this, my first opportunity, Monsieur Le Ministre, to assure you of my most distinguished consideration.

WM. CASSIUS GOODLOE.

**Monsieur FRÈRE-ORBAN,**  
*Minister for Foreign Affairs.*

No. 48.

*Mr. Goodloe to Mr. Ecarts.*

No. 14.]

LEGATION OF THE UNITED STATES,  
Brussels, June 14, 1878. (Received July 1.)

**SIR:** I have the honor to inform you that a general election took place on Tuesday last, June 11, throughout the kingdom for senators and rep-



representatives whose terms of office had expired. The election was preceded by every preparation by the respective parties, the newspapers of each being filled with the most urgent appeals for support, and the friends of the candidates spared no exertion that promised success. The excitement increased as the day of election approached; electors were brought from distant places, their expenses were paid, and each of them reimbursed for loss of wages.

The most lavish expenditure of money characterized either party, and seemingly neither left anything undone that would contribute to success. Both parties manifested great confidence, and the result was as great a surprise to the one as to the other.

The present ministry have been overwhelmingly defeated, and though the day passed quietly and orderly, at its close, when the official result was announced, the enthusiasm and popular rejoicing of the victors were something unprecedented in Belgium.

The Catholics were confident of increasing their majority, and the liberals, though hoping to succeed, never dreamed of a victory so signal and complete. This was the first general election in Belgium by secret ballot, and the Liberals claim a vindication of their repeated assurances that their legitimate majority had heretofore been held in check only by the intimidation of the clergy. Of the justice or injustice of this assertion I know nothing.

The popular demonstrations in Verviers, Antwerp, and this city following the result were of a nature heretofore wholly unheard of. In Antwerp, Verviers, and other cities, houses were illuminated, the people thronged the sidewalks, and large processions of men headed by bands of music paraded the streets shouting and rejoicing. The excitement and noisy demonstrations in Brussels the night of the election were as great as I ever saw in America. The civic guards were distributed throughout the city, particularly in Catholic neighborhoods, to preserve order, and there were very few disturbances, if any, worthy of note.

To show the exact change that has taken place, and the great revolution in public sentiment, it is essential for me to state that preceding the election the Catholic party was composed of thirty-three senators and sixty-eight representatives. The Liberals had twenty-nine senators and fifty-six representatives; thus giving the Catholics a majority in the senate of four, and in the house of representatives twelve, and on joint ballot sixteen.

The new law, under which this election was held, gave an additional representation of four new senators and eight representatives, of which number the Liberals succeeded in electing all of the senators, and seven out of eight of the representatives.

Of the senators whose terms of office had expired, the Catholics succeeded in gaining two seats hitherto occupied by Liberals—those of Neufchateau and Ypres. But this was more than overcome by the loss of the five Catholic seats of Nivelles, Bruges, and three in Antwerp, thus leaving the Liberals a majority now in the senate of six votes.

The Liberals gained eight seats recently occupied by Catholics in the house of representatives, one for Charleroi, one for Verviers, and six for Ghent, making a Liberal majority of ten votes in the house and of sixteen on joint ballot, exactly reversing the Catholic majority existing a few days ago.

This, however, is upon the assumption that the Liberal candidate from Waremmé, where a new election has been ordered, will be successful, as the chances all seem in his favor. In any contingency the Liberal majority on joint ballot will be fourteen.

Immediately the official result was proclaimed, so surprising to almost every one, the ministry jointly tendered their resignations to the King, all of which were with equal promptness accepted.

There is as yet nothing but rumor in regard to the King's intention concerning the formation of a new cabinet. I learn from sources, however, which I consider reliable that His Majesty has intrusted the formation of a cabinet to Mr. Frère-Orban, who has not as yet made public the name of any one whom he may call to his assistance. I shall, of course, advise you immediately a decision shall have been reached.

I have, &c.,

WM. CASSIUS GOODLOE.

---

No. 49.

*Mr. Goodloe to Mr. Erarts.*

No. 17.]

LEGATION OF THE UNITED STATES,  
*Brussels, June 26, 1878. (Received July 8.)*

SIR: I have the honor to inform you that on June 24 I placed before the new minister of finance, through the minister for foreign affairs, the invitation of the Government of the United States to unite in an international congress for the purpose of adopting a common ratio between gold and silver, and fully explained the object and aim of said conference.

I informed him of the governments which had already signified their intention of being represented, and expressed the hope of receiving an early and favorable response from His Majesty's government.

I justified myself in hazarding the risk of being considered importunate from the fact that the communication from my predecessor, the chargé d'affaires of the United States, dated April 4, on the same subject, had remained unanswered, and from the further fact that there had been since then a complete change of ministry.

It gives me pleasure to say that on the following day, June 25, I received a communication from the minister for foreign affairs accepting the invitation, and stating that the Government of Belgium would be represented in said congress, but "would not be confined in action to the general terms indicated in the letter of invitation."

I shall call upon the minister this morning and state to him that this privilege which Belgium reserves to herself is held in common by all the assenting powers, and that the binding influences of the congress can only begin after a proper ratification of the agreement—should one be reached—by the governments of the respective delegates.

This action of Belgium in consenting to the conference completes, I believe, the entire list of countries composing the Latin Union which will, through representatives, be present; and considering it of sufficient importance to telegraph, I accordingly did so yesterday; which course, I trust, will meet with your approval.

I have, &c.,

WM. CASSIUS GOODLOE.

No. 50.

*Mr. Goodloe to Mr. Evarts.*

No. 20.]

LEGATION OF THE UNITED STATES,  
*Brussels, July 12, 1878. (Received July 24.)*

SIR: Referring to your dispatch No. 7, which only reached me July 6, in relation to the wishes of the Government of Belgium, as to the time and place of holding the international monetary conference, I have the honor to state that I had previously talked the matter over with Mr. Frère-Orban, the minister for foreign affairs, and he had expressed a preference for the city of Paris as the place for the assembling of the congress, inasmuch as all monetary conferences of the Latin Union were held there.

The question of time was not touched upon, as I was ignorant of the wishes of the United States in that regard, except that I knew that a provision of the act required the assembling of the convention within six months from its passage.

Since the reception, however, of your dispatch, through the legation at Paris, naming the 10th of August as the date of assembling, instead of the 25th of July as heretofore proposed, I have again communicated with the minister for foreign affairs, who assures me that the 10th of August will be entirely agreeable to the representatives of the Belgian Government.

It may, therefore, be understood that the Belgian Government accepts the invitation of the United States to attend an international conference to be held in the city of Paris on August 10, 1878.

I have, &c.,

WM. CASSIUS GOODLOE.

---

## BRAZIL.

No. 51.

*Mr. Hilliard to Mr. Evarts.*

No. 5.]

UNITED STATES LEGATION,  
*Rio de Janeiro, November 6, 1877. (Received Dec. 13.)*

SIR: Upon my arrival here, I felt it to be my duty to inform myself in regard to the state of what may be called "American" interests in this country. My attention was attracted to the remarkable fact that while the United States take so large a proportion of the coffee of Brazil, the great bulk of the trade of this country is controlled by England. We furnish the money which the people of this country use in purchasing their supplies from other countries, and much the larger proportion is imported from England. I shall at some time state the figures which represent this state of trade. Some of our products are actually sent from the United States to England, sold there, and then reshipped to the ports of Brazil in the steamships of Great Britain, where they are sold in the market at a great advance upon the original prices. The want of the facilities for rapid transit between the principal ports of the United States and those of Brazil must, of course, subject us to great disadvantage in our commercial intercourse with this country.

I found upon coming here a representative of John Roach, of New York, who had been for several months striving to obtain from the Government of Brazil some encouragement for opening a line of steamships between New York and this city, but he encountered obstacles at every step. The English influence was very hostile to his plan, and it has so far obstructed the enterprise pressed upon this government with so much energy and intelligence by Mr. W. P. Tisdell, who represents Mr. Roach here. Of course I could not aid him officially, but I have contributed what I could properly to influence the government to entertain with favor the proposal submitted to it by our enterprising countrymen. I hope to be able at an early day to inform you of the success of a plan so important to the interests of the United States.

It is a remarkable fact that while there is not a single line of direct communication by steamship between the ports of the United States and those of Brazil, other countries have established lines which are in full and, I believe, successful operation. The Liverpool and Pacific Mail Steamship Company sends two steamers per month. The Royal Mail Line sends steamships which sail from Southampton twice a month. There are three lines of steamships from France, (from Havre, Bordeaux, and Marseilles,) sailing each semi-monthly. There is a line from Hamburg, and another from Bremen. There is also a line from Genoa.

It is impossible to overlook the importance of a line of steamships between the ports of the United States, for example New York, New Orleans, and this port, touching at other ports of Brazil.

I learn that the Emperor is very friendly to the establishment of such a line.

So far as the effect of the duties imposed by this government on imports from the United States may be considered, I shall make some suggestions hereafter which I hope will be worthy of your consideration, and which may, perhaps, be properly submitted to Congress.

I have, &c.,

HENRY W. HILLIARD.

No. 52.

*Mr. Hilliard to Mr. Evarts.*

No. 6.]

UNITED STATES LEGATION,

*Rio de Janeiro, November 14, 1877. (Received Dec. 26.)*

SIR: In my last dispatch I stated that a negotiation was pending between the representative of the firm of John Roach & Sons, of New York, and the Brazilian Government for the establishment of a line of steamships between New York and the ports of Brazil. I have the satisfaction now to state that the negotiation has been brought to a successful conclusion.

The contract entered into between the Government of Brazil and Messrs. John Roach & Sons was authorized by an imperial decree on the 10th instant.

The success of this important negotiation is due to the Emperor, who has felt great interest in it, and who gave it the benefit of his influence. There seems to have been much reluctance on the part of the minister of agriculture, whose department was charged with the duty of conducting the negotiation, to close the contract, but the Emperor so earnestly approved it that the minister yielded.

The contractors, Messrs. John Roach & Sons, undertake to provide a line of steamships of the first class for service between New York and Rio de Janeiro, calling at St. Thomas, Para, Pernambuco, and Bahia, making one voyage per month.

The imperial government contracts to pay Messrs. John Roach & Sons \$100,000 per annum for the service, which is to continue for ten years. Some important advantages are secured by the contract to the Brazilian Government, among them the regular transportation of the mails, &c., between the two countries.

The leading journals here very warmly commend the contract, and anticipate large results from it. They believe that it will promote the interests of both countries.

The *Journal do Commercio* refers to my speech to the Emperor in connection with the success of the negotiation, and hopes that the Government of the United States will co-operate with the Imperial Government in this important enterprise. The *Gazeta de Noticias* refers to the "Hampton Roads great postal convention, where the navigation to Brazil was one of the principal matters of discussion."

It refers also to the plan of Messrs. John Roach & Sons "to establish a line between New Orleans and St. Thomas, so that we may have direct communications with the States of the South, which makes the matter of greater importance."

I do not doubt that the line about to be established will be completely successful, and will contribute largely to the increase of trade and travel between the two countries.

I hope that our government will adopt measures for the advancement and extension of this great enterprise, and that we shall soon see a line of steamships making voyages twice each month between the principal ports of the United States and of Brazil.

I trust that I may be allowed to suggest that it would be well for the President to bring the subject to the attention of Congress at an early day.

I am, &c.,

HENRY W. HILLIARD.

---

No. 53.

*Mr. Hilliard to Mr. Erarts.*

No. 8.]

UNITED STATES LEGATION,  
*Rio de Janeiro, December 31, 1877. (Received Feb. 1.)*

SIR: Soon after the Emperor's return to this country from his extended tour through the United States and Europe, it was generally understood that he would make some change in the ministry, if he did not form a new cabinet, chosen from the leaders of the party who constitute the opposition to the present administration.

But immediately on the return of the Emperor, after resuming the imperial functions, the Parliament was dissolved.

While the opinion as to a contemplated change of ministry was doubtless well founded, no steps were taken by the Emperor to effect his purpose to call about him a new cabinet until quite recently.

The Duke de Caxias, chief of the ministry and minister of state for war, is quite advanced in years, and has recently been seriously ill. Some days since the Emperor made him a visit, and the duke availed

himself of that occasion to request that he might be immediately relieved from public duties.

The other ministers, upon learning the duke's decision to retire from his place in the government, promptly tendered their resignations. The Emperor accepted them, and requested the ministers to retain their places for a few days, that he might consider the situation and organize a new cabinet.

The resignation of the ministry is understood to have much political significance, though it will not be exhibited at this time. It is supposed that the prominent men of the conservative party would not at this time accept any appointments, even if the Emperor should invite them to do so.

The party known as the opposition has much strength in the Parliament, and the leaders would doubtless be willing to assume the task of government if places should be tendered to them by the Emperor in a cabinet representing their views. But as the Parliament is not now in session it is probable that the Emperor will form a new cabinet composed of men who do not take an active part in politics; who will hold the places and conduct the business until the opening of the session in May, 1878. It will be what is known in this country as *um ministerio de transicao*—a temporary cabinet.

There is a strong party in this country favorable to liberal institutions; a party of progress; a party that will yet make itself felt in reconstructing the political system of Brazil.

A gentleman of position, who is highly connected here, said to me some days since, "We should take our civilization from the United States and not from Europe."

The success of our free political institutions is deeply felt here. The influence of our system of government, already great, must, with the growing intercourse between the United States and this country, become still more powerful.

Since my arrival I have observed with great interest the relations which our countrymen who are engaged in business here bear to the people and the Government of Brazil, and I am much gratified to know that they are regarded with respect and confidence. Their influence must be felt not only upon the commerce of the country but upon public opinion.

I learn from an authentic source that the Emperor has said since his return from his late tour that the United States is fifty years in advance of any country in Europe.

I shall probably learn in the course of a few days something definite as to the construction of the new ministry, and will, of course, inform you fully in regard to it.

I have, &c.,

HENRY W. HILLIARD.

---

No. 54.

*Mr. Hilliard to Mr. Evarts.*

No. 9.]

UNITED STATES LEGATION,  
Rio de Janeiro, January 16, 1878. (Received Feb. 25.)

SIR: In my last dispatch I informed you of the resignation of the ministry of the Duke de Caxias.

It was supposed that the Emperor would organize a temporary cabinet, composed of members of the conservative party, and await the meeting of Parliament. It is understood that he sent for Councilor Paulino J. S. de Souza, president of the Chamber of Deputies, and desired him to undertake the task of forming a new ministry, with the view of confiding the government still to the conservative party, which has for ten years controlled it. After some reflection, Councilor de Souza came to the conclusion that it would be impossible to undertake the responsibility.

Then the Emperor decided to bring the liberal party into power. The announcement of his purpose startled the country and created excitement throughout the political circles of the empire. It is said that the Duke de Caxias exhibited great agitation and exclaimed, "But the Emperor is mad." The Emperor sent for Senator Consansão de Sinimbu, a distinguished leader of the liberal party, and confided to him the construction of the ministry. He accepted the responsibility, and proceeded to choose from the ranks of his party some of the ablest and most eminent men in the Empire. For several days the streets of the capital exhibited great animation; the public places were thronged with men discussing the new event, and popular demonstrations in some of the important provinces attested the satisfaction of the country.

The cabinet is composed as follows:

President of the council and minister of agriculture, embracing commerce and public works, Senator João Vilva Consansão de Sinimbu.

Minister of the empire (interior), Leoncio de Carvalho, LL. D.

Minister of finance, Deputy Gaspar da Silveira Martins, LL. D.

Minister of justice, La Fayette Rodrigues Pereira, LL. D.

Minister of foreign affairs, Baron de Villa Bella.

Minister of war, General Marquez do Hevral.

Minister of marine, Eduardo de Andrade Pinto, LL. D.

The ministry is composed of men of great ability, and it is received by the country with the most marked expression of approval and confidence.

Senator Sinimbu, the chief, is a statesman of large experience, thoroughly educated, acquainted with Europe by actual observation, having married in Dresden; has been deputy, minister plenipotentiary, and president of two provinces, Rio Grande and Bahia. He separated himself from the conservative party in 1858, and was soon recognized as an important liberal leader. He was afterward, successively, minister of justice, of foreign affairs, and of agriculture. His vigorous course while in power in removing some of the judges whom he regarded as corrupt brought him before the chambers, where he was charged with having transcended his constitutional authority, but he triumphed and obtained an act of indemnity, on the ground that his action was justified by the necessity of the case. He is a senator, and has been of the council of state. As the prime minister, he will doubtless endeavor to carry out the grand reforms which he has heretofore advocated with great earnestness.

The new minister of foreign affairs, Baron de Villa Bella, is the leader of the liberal party in the province of Pernambuco, where he resides, and his appointment has been followed by popular demonstrations, which exhibit the rejoicing of the people, who know him as a man and a statesman. He has enjoyed the advantage of European travel, and is said to be an accomplished gentleman of fine attainments. He has been a member of the Chamber of Deputies. He has not heretofore held a place in the ministry.

Lafayette Rodrigues Pereira, minister of justice, is a man of ability and attainments, distinguished as an advocate, and known to favor republican institutions.

Gaspar da Silveira Martins, the new minister of finance, has a great reputation for ability and eloquence. He is described as a tribune of the people. A powerful debater in the chambers, he has uttered his sentiments with great courage, advocating the separation of the church from the state, and other organic reforms, supported by those who favor a republican system of government. He admires greatly the free institutions of the United States, and cites them as illustrating his views of government. He is a man of high culture, distinguished for philosophical, literary, and classical attainments, and acquainted with modern languages.

General Marquez do Hevral, minister of war, is a great soldier, and probably the most popular man in the empire. He won great distinction in the war with Paraguay; elected senator, upon his arrival in the capital he was received by the greatest popular ovation ever witnessed here, the whole people, native and foreign, giving him an enthusiastic welcome. He is well known as General Ozorio.

Eduardo de Andrade Pinto, the new minister of marine, distinguished advocate, formerly member of the Chamber of Deputies, known for his defense of an economical administration, and the author of the budget of his time, framed on that principle. He has a high reputation for firmness and honesty.

The minister of the empire, Lencio de Carvalho, a scholar, formerly a professor connected with the faculty of San Paulo, of brilliant talents and a decided advocate of republican reforms, including the separation of the church from the state.

Such is the material of the new liberal ministry. It has great intrinsic ability, both intellectual and moral strength, and the confidence of the people throughout the empire. But at the opening of the chambers it must confront a hostile majority. There is in both houses a majority friendly to the late conservative ministry. It seems to be clear that the first measure of the new ministry will be to demand a dissolution of the Chamber of Deputies. The senators hold their places for life.

The Emperor, under the constitution, has the power to dissolve the Chamber of Deputies, and he will doubtless yield to the demand of the new ministry, and exercise his authority in their interests. It is understood that he has expressed his purpose to grant all the reforms that they require.

It is certainly true that the Emperor's own views have undergone a modification since his late visit to the United States.

The imperial government is entering upon a most interesting and, in my judgment, important period of its existence; but to attempt to read its horoscope would be to enter the realm of speculation. It is believed that the people will sustain the liberal ministry, and that the new Chamber of Deputies will be largely composed of members disposed to sympathize with their views and sustain their measures.

I anticipate an agreeable intercourse with the new cabinet, and I believe that the interests of the United States will be promoted by its organization.

I have, &c.,

HENRY W. HILLIARD.



*Mr. Hilliard to Mr. Evarts.*

No. 18.]

UNITED STATES LEGATION,  
*Rio de Janeiro, May 23, 1878. (Received June 26.)*

SIR: I have within the present week made several visits in an informal way, calling upon some members of the ministry, who are regarded as very influential in the present government.

I saw at his house Marquis do Hevral, so well known as General Ozorio, minister of war, and had an interesting conversation with him. He welcomed me warmly, and seemed to receive my visit with great satisfaction. He is a great soldier and enjoys immense popularity in the empire. His manners are warm and frank, and he conversed with freedom. He seems to feel a sincere interest in our country, and admires our institutions. He brings great strength to the ministry, and must exert a powerful influence upon the affairs of the empire.

I afterward called at the residence of Councilor de Sinimbu, chief of the ministry, and had a most satisfactory interview with him. He received me, as heretofore, with expressions of warm regard. This remarkable man is distinguished both for high moral qualities and for his attainments; he is a statesman worthy of respect in every way, and he enjoys the confidence of the country. He is sincerely friendly to our country, and exhibits the greatest interest in its affairs. At our late interview he inquired as to the state of political affairs with us, and upon my replying that the country enjoyed the tranquillity which had resulted from the accession of the present administration to power, he expressed himself highly gratified. He expressed his sympathy with the course which had been pursued in regard to the whole country, embracing the Southern States, and said that it seemed to him to be eminently just. He said that the United States and Brazil were really one country, meaning, of course, that occupying the American continent, their relations must be intimate, and their interests the same. I expressed myself pleased with his statesmanlike views, and reminded him that I had uttered similar sentiments upon the occasion of my presentation to the Emperor. He assented, and was good enough to assure me of the regard which the Emperor and Empress both entertained for me. He repeated what he had said to me on a previous occasion, that the Emperor had, since his return from his late visit, expressed his strong approval of what he had seen in his travels in the United States. He then spoke of the interest with which he had read an account of the launch of the City of Para, at Chester, upon which occasion the President and cabinet were present, and of the splendid celebration of the event. He thought that the increased facilities for rapid transit, afforded by the new line of steamships, would greatly encourage the commerce between the two countries, and said that our country would now be brought very near. I replied in the same spirit, and said that the first of the new steamships, the City of Rio de Janeiro, was to reach this port on the 25th instant, when I should go on board to welcome our friends. He replied, "Yes; and the Emperor wishes to go on board too."

I was much gratified at this, for it satisfied me that the present ministry would exert its influence to give success to the bill in the chambers for the payment of the subsidy to the line of steamships which Mr. Roach has with so much enterprise decided to establish between the

United States and Brazil. I hope that our government will be equally liberal.

It is very important that we should acquire the control of the commerce of Brazil. English capital is largely invested here; it is a rich field with a great future, and we ought to be willing to spend money to open it to the people of the United States. Even if the immediate results should not be satisfactory in a pecuniary sense, we should persevere and make the country from which we receive such large importations the market for the products of the labor and skill of our people.

Since my interview with Councilor de Sinimbu, I have learned from the agent of the line here that the first installment of the sum to be paid to Mr. Roach is already provided. I am informed, too, that twenty-six thousand sacks of coffee have been secured for shipment in the new steamship, and that the amount will reach thirty thousand before the day of her sailing.

I passed last evening with a gentleman who represents the Pacific Steamship Company, of Liverpool, who gave me these facts, and who is the agent here for the new line from New York, and learned some important points in regard to its relations to the business of this port. He has ample means and lives with great elegance. His influence is fully exerted to give success to Mr. John Roach's enterprise.

I have, &c.,

HENRY W. HILLIARD.

No. 56.

*Mr. Hilliard to Mr. Evarts.*

No. 22.]

UNITED STATES LEGATION,  
*Rio de Janeiro, June 7, 1878. (Received July 15.)*

SIR: The arrival of the first steamship of the new line between New York and this city bearing the name of the capital of the empire, the City of Rio de Janeiro, is an event of so much interest and importance that it may be regarded as marking an epoch in the commercial relations of the United States and Brazil. It has been the occasion for the display of so much interest on the part of the imperial government as to constitute it an event of national importance. Soon after my arrival here, Mr. William P. Tisdell, agent for Messrs. Roach & Sons, waited on me and laid his plans before me for establishing a line of first-class steamships between New York and Rio de Janeiro. He requested me to aid him in obtaining the favorable consideration of the imperial government for his enterprise. I heartily approved Mr. Tisdell's plans, and I did not hesitate to aid him with my good offices in the accomplishment of his important object.

In my speech to the Emperor on the occasion of my presentation to His Majesty, I spoke of the importance of the relations between the United States and Brazil, and expressed the wish that some measures might be provided for more rapid transit between the two countries. I brought the subject, too, to the attention of several members of the ministry, and persevered in manifesting my interest in the adoption of some measure by the imperial government to provide for the establishment of the proposed line of steamships until I had the gratification to witness

the final success of the plan submitted by Messrs. Roach & Sons through Mr. Tisdell, their agent.

With the sagacity and energy that distinguish this gentleman, he was able to conclude a contract with this government, which secured for the line of steamships the sum of \$100,000 in gold per annum, to be paid in installments from time to time, after the arrival of the first vessel at this port.

Some months since a change of ministry took place; the liberals coming into power pledged to effect certain reforms, and especially to enforce a system of rigid economy in the expenditures of the government. I did not know how the contract entered into with Messrs. Roach & Sons might be affected by this event.

When the contract was concluded, it was understood that the chambers would meet in May, and the subject was to be submitted to them that an appropriation might be made in accordance with its terms. But upon the accession of the new ministry to power, the Emperor in the exercise of his constitutional authority, dissolved the Chamber of Representatives and ordered a new election to take place in November. The general assembly will not meet until December. I was therefore much gratified to learn that the new ministry favors the measure providing for the establishment of the steamship line between New York and Rio de Janeiro. In an interview with Senator de Sinimbu, the premier, I found that he regards the contract with Messrs. Roach & Sons with much favor. He is a statesman of large views, and comprehends the importance of such a plan for the encouragement of commerce between the United States and Brazil.

The Emperor is earnestly disposed to promote it; he is sincerely friendly to the United States, and the contract for the line of steamships which will so much facilitate rapid transit between our country and Brazil has his hearty approval.

The City of Rio de Janeiro arrived in this port on Wednesday morning, May 29, with everything favorable, the sky unclouded and the sea calm. I took the earliest opportunity to go on board and welcome the vessel.

I had an audience of the Emperor on Saturday evening, at the palace of San Christevás, and he made the arrival of the new ship the topic of conversation. He had accepted an invitation to visit the ship on the following Monday, and His Majesty evidently anticipated the event with much pleasure. He said that the Empress would accompany him, and when I took leave of him, after an extended conversation, he said cordially, "Adieu until 11 o'clock on Monday."

On Monday everything was propitious for the visit of their Imperial Majesties, the weather was perfect, the beautiful bay was smooth, and as the imperial yacht came up to the side of the City of Rio de Janeiro the Emperor and Empress, attended by the ministers of state, with a splendid suite, were received on board the ship with a welcome so cordial and so respectful that they were evidently gratified. The arrangements for the reception could not have been improved. I received their Majesties as they entered the saloon, and the Emperor extended his hand to me in recognition of the greeting that I gave him, and at once entered into conversation in a way that gave to his visit all the ease of social intercourse.

Soon after His Majesty expressed a wish to see the machinery of the vessel, and was conducted below by Captain Weir, where I learn he made a most thorough examination. I had the honor to conduct the Empress to the upper deck, and she seated herself in the large and

handsome state-room of the captain, where she for some time received visitors, and several ladies and gentlemen of our country were presented to Her Majesty. After His Majesty's return from an examination of the vessel the party were invited to the saloon and partook of the splendid lunch which had been prepared for their entertainment. I was invited by His Majesty to take a seat by the side of the Empress, having on my right the Premier Councilor de Sinimbu, and next to him was the minister for foreign affairs, Baron de Villa Bella. Several tables were spread, and some sixty persons were seated. Captain Weir advanced and addressed a few words of welcome to their Majesties. I then rose and made a short speech to His Majesty and the Empress, which he acknowledged in a few kind words. Some few minutes later Councilor de Sinimbu rose and responded to my speech in terms that gratified me greatly, both for its tribute to our country and his reference to me personally as the representative of the United States.

I inclose a copy of the speeches, printed in the Anglo-Brazilian Times, an English paper published here. His Majesty conversed with me very freely, and evidently recalled the incidents of his visit to our country vividly and with great pleasure. He spoke of you in a way that showed his knowledge of you as a statesman, and asked after "Mr. Hamilton Fish" with interest. He said to me that he knew the President, and that he had met him in Philadelphia at the Exposition.

After lunch their Majesties visited the upper deck, where the Emperor received a number of gentlemen and the Empress took a seat and was surrounded by ladies.

After having passed some three hours on board, the Emperor did me the favor to invite me to assist Her Majesty to descend to the saloon and to conduct her to the side of the ship upon their departure.

The whole reception was in every respect most creditable to those who extended the invitation to their Majesties; it was at once splendid and hospitable, and while it was an occasion of rare pleasure to all who were present, none seemed to enjoy it more than their Imperial Majesties.

The City of Rio de Janeiro sailed for New York on Wednesday, June 5, carrying, I learn, some 37,000 sacks of coffee, valued at about \$700,000, the largest and most valuable cargo that any ship has ever taken from this port.

I hope that our government will give to this line of steamships a generous and steady support. It is of the highest importance at this time to encourage American interests in this country. It affords a field for the employment of our capital, for the display of our energy and skill, a market for our products and our manufactures with this great country, should our commerce grow into that large prosperity by which the interests of both nations will be advanced.

I have, &c.,

HENRY W. HILLIARD.

[Inclosure in No. 22.]

#### ARRIVAL OF THE CITY OF RIO DE JANEIRO.

Since the arrival of the magnificent steamship City of Rio de Janeiro, she has been visited by hundreds of people, and has been the topic of conversation among all who take the slightest interest in the development of the two Americas.

On the 3d of June their Majesties the Emperor and Empress, accompanied by a large number of Brazilian statesmen, visited the ship about which so much has been said. Among the distinguished visitors we noticed the president of the council, the minister of marine, the American and French ministers, Visconde de Rio Branco, Baron de S.

Domingos, Senator Leitão da Cunha, Senator Silveira da Motta, Dr. Buarque de Macedo, Captain Mayo, commanding the Hartford, his lady, and a number of other ladies of distinction, native and foreign.

His Imperial Majesty, as is customary with him, visited the vessel thoroughly from stem to stern, descending into the engine-rooms and examining the splendid machinery with a zest that gave no heed to damage to his toilet.

After a minute examination was made of the fine vessel and its beautiful and comfortable accommodations for passengers, a profuse and delicious lunch, equal to any that even the famous Delmonico has produced, and well supplied with wines of the choicest vintages, was served to the guests, who received from Captain Weir, Mr. Tisdell, and Dr. Wilson the heartiest of welcomes and the kindest of attentions. Before, however, lunch commenced, Captain Weir addressed a few words to their Imperial Majesties, thanking them for the high honor they had done the ship, and all connected with it, by their visit.

Mr. Hilliard, the American minister, said:

"As the representative of the United States I have the honor to welcome Your Majesty and the Empress on board of this ship, which bears the name of the capital of the empire, the City of Rio Janeiro.

"Its arrival constitutes an epoch in the commercial relations of Brazil and the United States; and it is, I hope, the harbinger of true prosperity, as well as of more intimate intercourse between the two countries. We shall develop the material interests and the elements of true civilization on this continent.

"Long may Your Majesty live to reign over this empire, and long may the flags of the United States and of Brazil float from the masts of our ships in friendly folds."

His Imperial Majesty then thanked Captain Weir and the representative of the United States for their kind expressions, and declared himself greatly pleased by his visit to a vessel which displayed in every part the perfection of naval architecture.

His Excellency Councilor Sinimbu, president of the council, expressed his rejoicing at being able to participate in the inauguration of an enterprise which promises such great reciprocal benefits to both continents of America, and he trusted that the establishment of this line of steamers, which would so greatly facilitate the exchanges of the products of Brazil for the products and manufactures of the United States, would prove the forerunner of other great undertakings here, such as the North American people were proverbial for. With all the Brazilian people he felt a deep debt of gratitude to the noble North American nation for the cordial manner in which they had received the august and beloved monarchs of Brazil during their visit to the United States, and it was with fervent prayers he joined with the worthy and distinguished representative of the United States in wishing that the friendly feelings which exist between their two nations shall be of long and felicitous duration.

After their Majesties' departure, which took place about 2 p. m., the vessel was visited by a great number of admiring citizens and foreign residents of Rio Janeiro.

## No. 57.

*Mr. Seward to Councilor Borges.*

DEPARTMENT OF STATE,  
Washington, April 30, 1878.

MY DEAR MR. BORGES: The Navy Department has fitted out a suitable vessel of war for the purpose of ascending the Amazon to the mouth of the Madera River, provided with proper instruments to make a running survey in transit, and to determine geographical positions with whatever accuracy is attainable with the means furnished, the object being to endeavor to increase the commerce between the United States and that large and fertile region of Brazil.

The vessel designated for this work is the United States steamer Enterprise, Commander Thomas O. Selfridge, United States Navy, commanding, and I have been requested by the Secretary of the Navy to apply to you for a letter commending him to the authorities at Para, Brazil.

The subject of the proposed survey has been brought to the attention of the Brazilian Government through the United States minister at Rio

de Janeiro, but sufficient time has not as yet elapsed for the Department to receive a reply.

I am, &c.,

F. W. SEWARD,  
*Acting Secretary.*

---

No. 58.

*Mr. Seward to Councilor Borges.*

DEPARTMENT OF STATE,  
Washington, July 17, 1878.

SIR: I have been requested by the Secretary of the Treasury to invite your attention to a question affecting the clearance of vessels via the port of Richmond, Va., which has been raised by the vice-consul of Brazil at that place. I have, therefore, the honor to inclose herewith copies of two letters, dated June 18 and July 12 respectively, from the Secretary of the Treasury upon the subject, together with a copy of a letter of this Department addressed to that officer upon the 3d instant.

A British vessel having lately cleared from New York for Bahia, Brazil, via Richmond, the manifest which she received at New York was taken by the collector at Richmond and placed on file in the custom-house there, and a general outward manifest from Richmond, reciting its contents, given in its stead, thus making the manifest sworn to there on clearance for Bahia contain all the cargo on board the vessel. The Brazilian vice-consul at Richmond objects to this practice, and the case has consequently been submitted to the Secretary of the Treasury for his decision. The second letter of the Secretary gives, at the instance of this Department, a full description of the general practice prevailing in this country in reference to the clearance of a foreign vessel that touches at another domestic port, and points out a remedy for a case such as that which occurred at Richmond.

It is desired that some general rule, which may be satisfactory to both, shall be agreed upon between the two governments to prevent a recurrence of the difficulty, and I will thank you for any suggestions that you may be pleased to make upon the subject.

The manifest of the *Annie Mark*, which is herewith inclosed, has been transmitted to this Department by the Secretary of the Treasury, with a request that it may be returned.

Accept, &c.,

F. W. SEWARD,  
*Acting Secretary.*

---

[Inclosure 1.]

*Mr. Sherman to Mr. Evarts.*

TREASURY DEPARTMENT, June 18, 1878.

SIR: I have the honor to inclose herewith a copy of a letter of the 10th instant, from the collector of customs at Richmond, relative to the British bark *Annie Mark*, Hamburg, master.

It appears that this vessel cleared from the port of New York for Bahia, Brazil, via Richmond, Va., with a part of her cargo on board. The practice at Richmond in such cases is to take up the New York manifest for file in the custom-house, its contents being transcribed on the general outward manifest from Richmond, thus making the manifest sworn to there on clearance for Bahia contain *all* the cargo on board the vessel. The collector states that the Brazilian vice-consul objects to his practice of retain-

ing the New York manifest; but giving no satisfactory reasons, the case is submitted for decision.

The accompanying manifest and papers from New York relating to the cargo of the Annie Mark are those referred to by the collector, and attention is called to the vice-consul's certificate, which is sealed fast to the clearance and manifest, and which must be detached from the certificate, or the whole of the documents kept intact at the custom-house.

The subject is brought to your notice in order that you may bring it before the Brazilian minister to this government, and some general rule be agreed upon that shall prevent a recurrence of this question.

I will thank you to return the inclosures to this department.

Very respectfully,

JOHN SHERMAN, *Secretary.*

Hon. WILLIAM M. EVARTS,  
*Secretary of State.*

[Inclosure 1 to inclosure 1.]

CUSTOM-HOUSE, RICHMOND, VA.,  
*Collector's Office, June 10, 1878.*

SIR: I have the honor to make the following statement, and ask instructions:

The British bark Annie Mark, Captain Hamburg, cleared from New York on June 3d for Bahia, Brazil, via Richmond, Va., having taken on a portion of her cargo at New York.

The practice of this office, and as I learn of other offices in cases of this kind, is to take up the manifest from New York, file it in this office with the other papers retained on clearance, having transcribed its contents to the general outward manifest from Richmond, marking it as from New York, *i. e.*, making the manifest sworn to at this port on clearance from Bahia contain all the cargo on board the vessel. Of course this office takes no notice of the New York portion of the cargo for *statistical purposes*, as it is reported to that bureau from New York. The Brazilian vice-consul, who has been recently appointed here, objects to the retention of the New York manifest in this office, but has failed to give satisfactory reasons for this objection, hence the matter is submitted for decision.

Inclosed please find the papers of the Annie Mark. The vessel will be ready to sail in four days, and I therefore respectfully ask that decision of the matter may be made, and return of the papers, within that time.

In this connection permit me to state that the German bark Pepita cleared from Boston for Brazil via Richmond about ten days ago. This vessel had on part cargo also, but the captain was informed by the Brazilian vice-consul at that port that no clearance (such as you observe attached to the inclosed manifest and clearance) was necessary, that being done for the *whole* of his cargo upon clearance from the last port in this country at which he would take on cargo.

It will be observed that the vice-consul's certificate in the accompanying papers is sealed fast to the clearance and manifest, and to carry out the practice as set forth of this office, it is necessary to detach the manifest and clearance from the consular certificate or keep the whole of it intact in this office.

The late Brazilian vice-consul at this port, who still resides here, bears me out in the practice of my office, and says that it does not in any manner conflict with the requirements of the Brazilian Government.

In former years no question of this kind ever arose at this port, but as this controversy between myself and the Brazilian vice-consul here has been going on for several months, I have thought proper to make this appeal in order to a final settlement of the questions at issue.

Very respectfully,

CHARLES S. MILLS, *Collector.*

To the honorable SECRETARY OF TREASURY,  
*Washington, D. C.*

[Inclosure 2 to inclosure 1.]

*Mr. Evarts to Mr. Sherman.*

DEPARTMENT OF STATE, July 3, 1878.

SIR: I have the honor to acknowledge the receipt of your letter of the 18th ultimo, regarding the practice of the customs officers at Richmond, Va., with respect to the retention of the manifests of cargoes of vessels arriving there, which had been taken

on board of such vessels at another port of the United States, and the objection to this practice on the part of the Brazilian vice-consul at Richmond.

It has occurred to me that the subject might possibly be presented to the minister of Brazil in this country more satisfactorily if the department were enabled to inform him of the general practice of customs officers of the United States in the regard stated, and whether there exists any special regulation in the premises. I return the inclosure of your letter as requested.

I have the honor, &c.,

WM. M. EVARTS.

HON. JOHN SHERMAN,  
*Secretary of Treasury.*

[Inclosure 2.]

*Mr. Hawley to Mr. Evarts.*

TREASURY DEPARTMENT, July 12, 1878.

SIR: I have the honor to acknowledge the receipt of your letter of the 3d instant, relative to the objection of the vice-consul of Brazil, at Richmond, Va., to the retention by the customs officers there of the manifests of cargoes of vessels arriving, which had been taken on board such vessel at another port of the United States. And you suggest to the Department that it might be more satisfactory if the general practice, as regards such manifests at American ports, was ascertained, in order to communicate the facts when presenting the case to the Brazilian minister in this country.

I have to state in reply that the general practice in regard to the clearance of a vessel (foreign) that touches at another domestic port, is to deliver two manifests to the collector at the port of departure, one to be retained by the collector, the other to be verified by the collector and to be held by the master. The collector at the port of departure also issues a clearance (foreign) with the master's oath attached. The clearance (foreign) specifies the foreign port of destination and the intermediate domestic port at which the vessel is to touch. Upon the vessel's arrival at the domestic port, the certified copy of the manifest, made out at the port of departure, is taken up and a new manifest is made out, embracing the contents of that which is surrendered. If the clearance granted at the port of departure is attached to the manifest, it would, of course, be taken up by the collector, but it would be retained by the master, if not attached to the manifest.

In the case of the British bark *Annie Mark*, the consul-general of Brazil at New York had certified to the general clearance; and his certificate, the general clearance, and the manifest were so connected by a seal that the collector at Richmond declined to separate them; and as, in accordance with the usual practice, he felt constrained to retain the manifest, he also retained the clearance and the consul-general's certificate thereto.

If the manifest had not been attached to the consular certificate, the master could have retained the certificate with the New York clearance, and the collector at Richmond could have retained the manifest.

The obvious remedy for a difficulty of this nature is that the manifest of cargo of a vessel departing for Brazil via Richmond, or any other domestic port, shall not be attached to the consular certificate to the clearance. On the other hand, if it be attached to the consular certificate, the collector at Richmond and at other domestic ports can be instructed to require a second copy of the manifest, and suffer that which may have been received at the port of departure to remain in the hands of the master. The manifest of the *Annie Mark* is returned.

Very respectfully,

JOHN B. HAWLEY,  
*Acting Secretary.*

HON. WM. M. EVARTS,  
*Secretary of State.*

## CENTRAL AMERICA.

No. 59.

*Mr. Williamson to Mr. Evarts.*

No. 701.]

LEGATION OF THE UNITED STATES

AT CENTRAL AMERICA,

*Guatemala, October 10, 1877. (Received November 10.)*

SIR: I have the honor to inclose you a copy and translation of an extract from the official paper of Guatemala, purporting to give an account



of an attempt by a priest to assassinate President Barrios, and of the killing of the priest.

As the priest is dead, there has been but one side of the story made public. The statement made in the official organ is substantially the same as that made by President Barrios. I have failed to meet a single person who credits the statement.

The killing of the priest has caused great excitement, and has elicited from his opponents the most unfavorable comments against President Barrios.

The dead priest was a Spaniard by birth, a young man of about twenty-seven years. He is reported to have been highly intelligent, refined, and devout without bigotry. Competent judges who knew him well, tell me he was a gentleman.

For some reason or other not satisfactorily explained, it seems President Barrios suspected the priest of fermenting disturbances among the Indians, and it seems at their first meeting the priest met his death. The incident occurred about 100 miles from this city on the occasion of President Barrios' visit to the disaffected Indian region.

It is possible this unhappy affair occurred as stated in the extract, but to those who know President Barrios' habit of always being well armed, and of keeping himself surrounded by a body-guard, it is, to say the least, highly improbable.

I have, &c.,

GEO. WILLIAMSON.

---

[Inclosure No. 701.—Translation.]

*Attempt to assassinate President Barrios.*

[From El Guatemalteco, No. 140, dated October 5, 1877.]

On the 29th of the present month, the Señor General President being for the moment free from his multiplied attentions, at ten o'clock was tranquilly breakfasting in the convent of the town of San Pedro Jocopilas. Suddenly the clergyman, Felix Pajes, curate of the parish of Sacapulas, introduced himself into the dining-room, and with revolver in hand audaciously attacked the person of the Señor General President, who, being unarmed at the precise moment in which the other attempted to discharge the homicidal weapon, had no other measure of defense but to strike aside the hand of the clerical assassin. A faithful servant, Inez Cruz, at the moment serving the table, succeeded in discharging his revolver at the criminal, who fell to the ground expiring instantly, thus receiving the merited chastisement of his premeditated crime.

---

No. 60.

*Mr. Williamson to Mr. Erarts.*

No. 705.]

LEGATION OF THE UNITED STATES  
AT CENTRAL AMERICA,

*Guatemala, October 20, 1877. (Received November 28.)*

SIR: I have the honor to inform you that President Barrios, of Guatemala, has issued a decree guaranteeing the liberty of the press, with certain restrictions.

The decree is dated the 15th of October. It has not yet been published in the official journal. A copy and translation of the decree will be sent you by the next mail.

I would only remark now that the general impression among the better classes here seems to be, that President Barrios has issued the

desires for the purpose of entrapping some of his enemies. There is but little doubt that the unfavorable comments about the killing of the priest, referred to in my No. 701, have had some influence upon the action of President Barrios in this matter.

I have, &c.,

GEO. WILLIAMSON.

No. 61.

*Mr. Williamson to Mr. Evarts.*

No. 706.]

LEGATION OF THE UNITED STATES  
AT CENTRAL AMERICA,

*Guatemala, October 20, 1877.* (Received November 28.)

SIR: I have the honor to report that all the members of the diplomatic corps here have received a printed circular dated September 29, 1877, purporting to have been issued from the foreign office of Costa Rica, in which information is given of the following facts: That Herrera had retired permanently from the presidency of Costa Rica, and on the 11th of that month had called Ex-President Guardia to the exercise of the executive power; that President Guardia called a grand assembly, which, on the 23d instant, designated him as provisional President, with the extraordinary power of nominating the deputies to a convention (*asamblea constituyente*) he might convoke when he thought it well to do so; that Guardia had declined to exercise that extraordinary power and had called for the election of deputies to meet in the capital, on the 23d of December next, for the purpose of declaring the political code (*con objeto de declarar el codigo politico*).

All the members of the diplomatic corps here propose simply to acknowledge the receipt of the circular.

I have, &c.,

GEO. WILLIAMSON.

No. 62.

*Mr. Williamson to Mr. Evarts.*

No. 752.]

LEGATION OF THE UNITED STATES  
AT CENTRAL AMERICA,

*Guatemala, January 14, 1878.* (Received February 16.)

SIR: I have the honor of inclosing you a copy and translation of a decree of the Government of Guatemala, just issued, reducing the duty upon flour \$1 per quintal, or about 1 cent per pound. The duty on that article still remains very high.

I have, &c.,

GEO. WILLIAMSON.

[Inclosure 1 in No. 752.—Translation.]

DECREE REDUCING DUTY ON FLOUR.

NATIONAL PALACE, *Guatemala, January 5, 1878.*

Looking to reduction as convenient and as may be permitted by the necessities of the treasury the taxes created during the last war, and maintained for some time

afterward, to cover with their products the heavy expenses occasioned by the same, the General President, with the idea of favoring the interests of the inhabitants of the republic, and particularly the poorer class, who suffer more fully the consequences of the increased taxes in matters of consumption of primary necessity, has thought well to decree that from the 15th of the present month of January the quintal of flour of the country will be free from the tax of eight reals imposed by the decree No. 150, of March 14, 1876. Let it be communicated. Sealed by the President.

SALAZAR.

---

 No. 63.
*Mr. Williamson to Mr. Evarts.*

No. 755.]

 LEGATION OF THE UNITED STATES  
 AT CENTRAL AMERICA,
*Guatemala, January 18, 1878. (Received February 16.)*

SIR: Referring to my No. 747, I have now the honor to hand you a copy and translation of the decree of the Government of Costa Rica breaking off relations with that of Guatemala; a copy and translation of the letter of the minister of foreign affairs of Costa Rica in reply to that of the minister of foreign affairs of Guatemala, sent to you with my No. 734, and a copy and translation of a printed circular sent to this and other legations here by the minister of foreign affairs of Costa Rica, all relating to the rupture of relations between Costa Rica and Guatemala.

The decree announces the closing of relations of every kind between Guatemala and Costa Rica.

The answer of the minister of foreign affairs of Costa Rica is a defense of President Guardia against the charges made against him by the minister of Guatemala, and seems to be intended to show that those charges, if true, do not justify the government of Guatemala in the course it has adopted.

The printed circular is mainly a repetition in a different form of the reply to Dr. Montufar. The government of Guatemala appears to anticipate war. The army is being recruited. A person has been sent to San Francisco recently to buy a steamship to be equipped as a man-of-war.

I have, &amp;c.,

GEO. WILLIAMSON.

---

 [Inclosure 1 in No. 755.—Translation.]

Thomas Guardia, general-in-chief of the army and Provisional President of the Republic of Costa Rica:

Considering that the Government of Guatemala has refused to recognize the Government of Costa Rica, and that an act so grave and offensive against this republic demands the adoption of a measure for the preservation of the national dignity and honor, decrees:

The Government of Costa Rica, not recognized by the Government of Guatemala, closes all official relations with that republic while it is governed by General Refino Barrios.

T. GUARDIA.

JOSÉ MA. CASTRO,  
*Secretary of State, &c.*

RAFAEL MACHADO,  
*Secretary of War, &c.*

SALVADOR SARA,  
*Secretary of Finance, &c.*

M. J. ZAMMORRO,  
*Secretary of Public Improvements, &c.*

[Inclosure 2 in No. 755.—Translation.]

*Mr. Castro to Mr. Montufar.*NATIONAL PALACE, *San José, December 19, 1877.*

SIR: I have received the note dated the 30th of November last, in which, in the name of, and according to instructions of, the Señor President of Guatemala, your excellency answers the one my predecessor had the honor to direct to you under date of September 30 of the present year.

The latter informed the supreme Government of Guatemala, in the manner required by the subject, that the municipalities and notable citizens of the Republic of Costa Rica had named as Provisional President the general-in-chief of the army, Señor Don Tomas Guardia, that in the mean time, a political code being established, the election of a Constitutional President could be proceeded with.

The note answering this was not sent to the minister of foreign relations, but to Dr. Don José Ma. Castro, who in effect was actually filling that elevated charge. I consider as an involuntary error the suppression of the practices which are rigorous in communications of this character, and I eagerly desire to consider it so, because it is impossible that it can be hidden from the indisputable skill of your excellency that, not directing it to the minister, but to the private person, your note would fail to reach any signification. In the view, then, and with the understanding that the note which your excellency has thought well to address me is a diplomatic one, I proceed to answer it in the name and by the instructions of the General President of Costa Rica.

It commences by not entering upon qualifying terms in respect to the illegality or legality of the extraordinary changes in this republic, and I cannot but felicitate your excellency for having laid aside so extemporaneous a qualification.

Costa Rica does not fear without doubt a comparative study in regard to this particular, but the customs of all cultivated people and the teachings of the most eminent publicists agree in reputing as an indiscreet disturbance of public peace and of the respect due from one state to another the slightest attempt to discuss the fundamental institutions to which either of them may voluntarily submit.

It continues: That, remembering the relations that existed between your government and the Señor General Guardia, the President of Guatemala, has seen with sorrow that they are neither pleasant nor satisfactory, nor do they argue happy results; and after explaining minutely two distinct charges against the person now at the head of the government of this republic, your excellency concludes by declaring that while that person remains in charge of the high trust confided to him by his fellow-citizens, the Government of Guatemala will not recognize the Government of Costa Rica.

Allow me to call your Excellency's attention to the novelty such conduct may imply in diplomatic practice and principles. The antecedents of a Governor and the proceedings of a government can, without doubt, occasion the rupture of the good understanding reigning between two states in which it is seen that degrees may exist, and it may be conceived that they may reach occasions and may reach with frequency the terrible results of an armed struggle; but the recognition of a *de-facto* government is an entirely different thing, and it has not been the practice, until now, recognized or followed in any example worthy of mention, that there should be inspired sentiments of sympathy or antipathy, in order to recognize the self-evident fact that a certain government directs the destinies of a country.

I repeat, that the acknowledgment of a government does not depend nor can it depend on the sympathies that it inspires, but on the vitality with which it exists, and I will permit myself to interpret the note of your Excellency, deducing from its terms that the Supreme Government of Guatemala does not refuse to recognize the government presided over by Señor General Guardia, but that it breaks off with respect to him diplomatic relations heretofore existing.

This remains admitted, but no and never the unauthorized charges with which pretensions are made to justify a measure of so lamentable a character.

It is certain that the Señor General Don Tomas Guardia had the honor to represent Costa Rica as Diplomatic Envoy near the Government of Guatemala, and of concluding with that government a treaty of friendship and alliance that, on account of reasons that it is not now necessary to examine, was never exchanged, and therefore never complied with.

If the Señor General Guardia, in the discharge of his mission, had incurred the displeasure of your excellency's government, I could understand that his conduct would be remembered as an obstacle to the maintenance of the good relations between our governments; but your Excellency acknowledges in your note that the diplomatic functions of the Señor General Guardia were discharged in a satisfactory manner.

It will be immediately seen that he is blamed for actions that do not belong to him; and, in truth, it is incomprehensible that he who was not at the time governor of Costa

Rica should be now made responsible for the fault of the non-exchange and ratification of the treaty. These acts were outside and above the pleasure of the Minister, who received his instructions to celebrate it from his Government.

As regards the Señor General President of Costa Rica having ever pretended to promote internal discord in Guatemala, decorum will allow me to say nothing more than that your Excellency's Government is badly informed; and that the Government of Costa Rica was surprised, and with justice, that there had been consigned to so important a document as your Excellency's note an assertion of so grave a character, when the government in whose name it was made could not, if obliged to do so, uphold it with a single proof. Contradicted thus in accordance with historic truth the foundations of the order of affairs which the General President of Guatemala has esteemed convenient to establish with Costa Rica, this Government finds itself called upon by self-respect to accept the painful necessity.

Consequently, there will be published a decree closing official relations between the two republics; this note being the commentary of the inevitable determination and the only reply that corresponds to the manifestations which I answer.

Nothing, however, has been said that opposes, in any way, my concluding the present communication by subscribing myself with the most distinguished consideration.

Your Excellency's obedient servant,

JOSE MA. CASTRO.

To his Excellency the Minister of Foreign Affairs of the Republic of Guatemala, Doctor DON LORENZO MONTUFAR.

[Inclosure 3 in No. 755.—Translation.]

*Mr. Castro to Mr. Williamson.*

OFFICE OF FOREIGN RELATIONS OF THE REPUBLIC OF COSTA RICA,  
*National Palace, San José, December 25, 1877.*

SIR: With the aversion of all republican hearts to a dictatorial régime and with the eagerness inspired by civilization and fraternity, the worthy general Don Tomas Guardia was no sooner seated the present time, in the Presidential chair of this Republic than he hastened to take—retrenching greatly his own power—measures providing for the welfare, interior and exterior, of the nation.

With regard to the first, he called to his side known apostles of public liberties, unshackled the press, decreed amnesty, called together a constituent assembly, raised in the mean time a grand national council, to whom he abdicated the faculty of emitting general laws, and initiated, among others, the guarantee, in which is displayed the glory of the country, religious liberty, and in which appears, crowning the grand principles of democracy, the most philanthropic and splendid, the absolute inviolability of human life.

With regard to the second, he ordered communicated by circular to all the cabinets with whom that of Costa Rica was in relations, the cause of his recent exaltation to power, and directed to all the rulers of friendly nations in due form the customary autograph letter.

He was happy to fulfill this duty in the extent in which it was possible for him with the Presidents of the sister republics here, and particularly with the President of Guatemala, with whom, as Envoy Extraordinary and Minister Plenipotentiary of the Republic of Costa Rica, he had adjusted during the year anterior a treaty of peace, friendship, and alliance, the exchange of which he promised to effect. Yet that President did not think well to respond to such courteous and friendly advances. What broke more than two months of surprising silence was a dispatch from the honorable Señor Secretary of Foreign Relations, Dr. Don Lorenzo Montufar, in which, to the irregularity of addressing the undersigned not in his official character but in his private condition, was added, in compliance with instructions of the Señor General President of Guatemala, that of affirming that his Government could not recognize the Government of Costa Rica while at its head was found General Don Tomas Guardia.

A measure so much in discord with Diplomatic practices was based on the supposed charge that, having stipulated in article sixth of the treaty which General Guardia, as Minister Plenipotentiary, signed in Guatemala, of not permitting in the territories of the contracting parties the entrance of new members of the Company of Jesus, and that the Government of Costa Rica would embrace every opportunity to expel the four Jesuits existing within limits of its country, the same General Guardia, far from complying with this clause, was in particular correspondence with the Jesuits; he called and introduced them into the country, and had placed under the obscuring power of the said company the youth of Costa Rica. He based it also on the idea that these acts induced him to believe that there would be repented the equally imaginary ones, that General Guardia during his former administration, plotted the downfall of

the Government of Guatemala, supported its enemies, and made considerable payments to obtain its downfall.

The first foundation disappears by only noting that the treaty, the lack of execution of which is charged, had not even been exchanged, and consequently not become a law, of the contracting Republics; as would have been necessary for it to become obligatory. These faults of exchange and execution can be imputed to the respective Governments, but never to the Diplomatic Minister, whose mission had terminated without reaching such acts. Notwithstanding this, General Guardia always worked, using his influence and personal relations—the only action he had—in regard to the article VI of the treaty so much in sympathy with his own opinions; and there are many documents to demonstrate this, while the accusations to the contrary are not strengthened by the aid of a single proof.

The truth requires that the proper thing may be said in regard to the inferential acts on which the erroneous belief was founded, that the actual President of Costa Rica could have plotted the fall of the Government of Guatemala. The acts alluded to, without any proof that makes them in the smallest degree admissible, cannot be raised to a subject of discussion, nor reach among qualifying epithets one more gentle than that of being unfounded.

I leave them in this place not without the surprise that, even upon the hypothesis that a better place would have suited them, they could be used by the government of Guatemala as a pretext to refuse recognition to the government of General Guardia, when they were not taken into account at his acceptance as minister to treat with, and even remain near the government to which he was accredited, satisfying it by his personal and diplomatic deportment.

The skill of the distinguished Dr. Montufar, from whom it could not be concealed that a dispatch directed, not to the Secretary of Foreign Relations, but to Dr. Don José Ma. Castro, can have no effect nor signification, induced me to think that his omission of the rules, which in such cases are rigorous, was owing to an involuntary error, and I decided to answer the aforesaid dispatch. The general President of Costa Rica also had motives of the same nature for believing that the unusual non-acknowledgment of his government on the part of that of Guatemala was nothing but a pretext for the termination of official relations. The dignity and decorum of his high Magistracy prescribed the acceptance of that measure, and in effect he put it in execution by a decree of the 19th of the present month, thus leaving closed from that date the (*supra dictas*) official relations between this republic and that of Guatemala.

Such is now the state of affairs between both countries, established by the President of the latter, without sufficient cause, without looking to the bonds of fraternity that bind the two countries, without considering how greatly will be darkened the good name of Central America by the discord of its integral parts.

With the regret that such sudden changes wrest from the lovers of the Central American Union, and in compliance with instructions that I have received from his Excellency the President of this republic, I direct you this communication.

On complying with the indicated duty I am happy to subscribe myself

Your obedient servant,

JOSÉ MA. CASTRO.

To his Excellency Señor Don GEORGE WILLIAMSON,  
*Minister Resident of the United States in Central America.*

No. 64.

*Mr. Williamson to Mr. Evarts.*

No. 763.]

LEGATION OF THE UNITED STATES

AT CENTRAL AMERICA,

*Guatemala, February 16, 1878. (Received March 19.)*

SIR: I have the honor to report that General and ex-President Medina, of Honduras, was shot in that State on the 8th instant, under the sentence of a council of war approved by President Soto.

Ex-President Medina was accused of treason. When it is considered that he was more instrumental than any other man in his country in bringing about the overthrow of the government of President Lerva for the purpose of enabling Mr. Soto (the choice of the Dictator of Guatemala) to become President, his unfortunate end might surprise a stran-

ger. At the same time General Medina's lack of wisdom in yielding to the selection (as President) of a man who from the dictates of a cowardly or cruel policy thought it necessary to select so illustrious a victim as himself, has led to this deplorable event.

Another somewhat distinguished man, Marin of Salvador, was shot at the same time and place with General Medina. It is said neither the victims nor any one else believed the sentence of the council of war would be either approved or executed.

The execution of the sentence was a great surprise to most persons here.

\* \* \* \* \*  
I have, &c.,

GEO. WILLIAMSON.

---

No. 65.

*Mr. Williamson to Mr. Evarts.*

No. 777.]

LEGATION OF THE UNITED STATES

AT CENTRAL AMERICA,

*Punta Arenas, September 2, 1878. (Rec'd Sept. 16.)*

SIR: I have the honor to state that, having touched at several Pacific ports on my way from Guatemala to this place, and having gathered information in respect to public affairs in Central America from sources considered reliable, I am able to report that all the States are at peace, and that there is no immediate prospect of disturbance from war or revolution. The crops are reported to be unusually promising for this season of the year, and it is expected the yield of coffee will be larger than it has ever been.

The only notable public event that has occurred during my absence is the reestablishment of friendly relations between the governments of Nicaragua and Costa Rica.

I hope to be again at the seat of the legation by the first of October.

I have, &c.,

GEO. WILLIAMSON.

---

## CHILI.

No. 66.

*Mr. Osborn to Mr. Evarts.*

No. 12.]

LEGATION OF THE UNITED STATES,

*Santiago, Chili, October 8, 1877. (Received November 22.)*

SIR: On the 1st instant occurred one of the most interesting events which it has been my pleasure to witness in Chili. It was the occasion of the formal presentation to the persons entitled thereto, of the awards made at the exhibition at Philadelphia to exhibitors from this country. The ceremony took place in the "Quinta Normal de Agricultura," or agricultural grounds, situated in the suburbs of Santiago, and was witnessed by many thousands of people. In fact it seemed that the population had turned out *en masse* in honor of the event. It was in this

"Quinta" that the great Exhibition of Chili, of 1875, took place, since which it has been fostered by the government, and it is now a beautiful park.

The ceremony was under the direction of the national authorities, and I could not but feel gratified at the marked deference which was paid, at every convenient opportunity, to the Government which I have the honor to represent. On the platform of the main hall where the ceremony occurred, were the President of the Republic and his Cabinet Ministers, the Diplomatic Corps, and many distinguished citizens. The great hall was decorated throughout with flags of the United States and of Chili, in their order alternating; and the music of numerous bands and the singing of hymns by a thousand voices contributed to the festivities.

The presentation of the awards was made by the President in person, and as each successful competitor presented himself he was greeted with rounds of applause from the thousands there congregated.

Prior to the formal presentation of the awards a short address was made by Hon. Edward Séve, commissioner of Chili to the Philadelphia exposition. His remarks were well received by all. They were characterized by their expressions of regard and friendship for the United States, and their complimentary mention of the management of our Exposition. He had no word of complaint to utter, but on the contrary spoke of our Government and our people, and especially of those having in charge the direction of the Exposition, in the highest and most flattering terms.

In addition to this the Government had selected for the delivery of addresses two of her most eloquent citizens, Señor Amanátequi, Minister of Justice and of Public Instruction, and Señor Abelardo Nunez, a citizen and lawyer, distinguished for his culture and his powers of oratory. I cannot but regard the selection of these gentlemen for the performance of the duties assigned them, as a compliment to my country. Señor Amanátequi, the Minister of Justice, is one of the first men in Chili today. A man of culture, and of advanced ideas, he is, too, a man of great courage. Under his management the public schools have been fostered, and the cause of education is being rapidly advanced. Popular education is his hobby, if you please, and to this cause his entire energies seem to be directed. It is not long since it was generally regarded as the reverse of reputable, to permit children to attend the public schools here; but it is quite different now. In fact the public schools in Chili are fast approaching that standard of perfection which they have acquired in our own country. To this cause more than to any other, in my judgment, is to be attributed the conceded superiority of Chili among the nations of South America. To accomplish this work in this country, where the priesthood has been so powerful, has required no little labor and a vast deal of courage.

I speak thus at length of these distinguished gentlemen to make more clear to you the remark made above, to the effect that I look upon their selection for this duty as a compliment paid to my country.

In view of the prominence given to the occasion by the government here, as well as of the character of the gentlemen referred to, I have concluded to accompany this dispatch with a printed copy, in Spanish, of the addresses delivered, together with a translation of the same in the English language. They will be found with the inclosures.

The great Centennial Exposition of 1876 had a peculiar interest for all true Americans. In it was centered the grand idea of self-government, upon which our nation is founded; and it is but natural that we



should contemplate with pride a scene in a foreign land, in which, in commemorating our country's anniversary, such marked prominence has been given to that idea.

I have, &c.,

THOMAS A. OSBORN.

---

No. 67.

*Mr. Osborn to Mr. Evarts.*

No. 29.]

LEGATION OF THE UNITED STATES,  
*Santiago, Chili, January 24, 1878. (Received March 5.)*

SIR: In my dispatch to the State Department, No. 22, of date November 28, 1877, in regard to the revolt at Punta Arenas, in the Territory of Magallanes, I mentioned the fact that it had been reported here in the newspapers that Commander Rodgers, of the United States Steamer Adams, had sent on shore, at the suggestion of the local authorities at Punta Arenas, for the purpose of assisting in the re-establishment of order, 150 marines with two Gatling guns.

Since writing that dispatch I have had the pleasure of a personal interview with Commander Rodgers, from whom I learn that this report was not correct. The Adams remained in the harbor at Punta Arenas several days, and her commander afforded such aid to the authorities as seemed to be required, but it was not deemed necessary to send any men on shore, and none were sent for the purpose mentioned.

The action of Commander Rodgers has won for him the gratitude of the people of Chili. While he was in the port of Valparaiso, he was the recipient of numerous courtesies from officials and prominent citizens. Upon hearing of his arrival, the Minister of Foreign Relations, under date of December 19, addressed me a note, in which he stated that the government had been informed of the valuable services rendered by Commander Rodgers, of the Adams, on the occasion referred to, and that it was exceedingly grateful to him for his action therein. He closed his note with a polite request that I should cause Commander Rodgers to be informed of the expression of these sentiments, and I promptly, and with pleasure, complied with his request. The note of Hon. José Alfonso, Minister of Foreign Relations, in Spanish, with English translation, is herewith inclosed.

Not only has the action of Commander Rodgers created a warm feeling for him personally among the people of Chili, but it has also done much to augment and intensify the friendly sentiments entertained here toward the Government of the United States.

Some time since, in conversation with the Minister of Foreign Relations in regard to the Punta Arenas difficulty, I took occasion to say to him that I was apprehensive that if the government should continue to make of Magallanes a place for colonizing its criminals, the safety of navigation in the Straits of Magellan might be seriously endangered. He listened attentively to what I had to say on the subject, and seemed to be much impressed by it, and in a few days thereafter he caused me to be informed that the government had definitely determined to send no more criminals to that territory. Those now there will be allowed to remain, but new convicts will be sent to some one of the islands of Chili, in the Pacific, probably Juan Fernandez.

The government has appointed a commission for the purpose of in-

quiring into the losses incurred by persons residing at Punta Arenas by reason of the revolt. The commission is instructed to include in its investigations the losses sustained by foreigners as well as by citizens. While the government has not committed itself to the reimbursement of those who were damaged, the creation of this commission would seem to point to some action in that direction in the future. I have not learned that the sufferers include any citizens of the United States.

I have, &c.,

THOMAS A. OSBORN.

[Inclosure 1 in No. 29.—Translation.]

*Mr. Alfonso to Mr. Osborn.*

SANTIAGO, December 19, 1877.

SIR: The governor of Magellan has informed my government of the important and disinterested services which the United States Steamer Adams rendered our colony of Sandy Point (Punta Arenas) on the occasion of the deplorable occurrences which took place there during the middle part of November last. Mr. Rodgers, commander of that vessel, not only attended with benevolent solicitude the inhabitants of the colony who sought his protection, but, yielding to his humanitarian sentiments, sent from his vessel all those articles which in the distressing circumstances could contribute to relieve in some degree the abandoned condition in which numerous families had been left.

My government has not informed itself of these facts without experiencing a strong sentiment of sympathy and acknowledgment toward the commander of the United States Steamer Adams, whose noble conduct has entitled him to the gratitude of the people of Chili.

I request that your excellency will please make known to Commander Rodgers the expression of these sentiments, and that your excellency accept once more the considerations of the high esteem with which I am

Your excellency's obedient servant,

JOSE ALFONSO,  
*Minister of Foreign Relations.*

Hon. THOMAS A. OSBORN,  
*Envoy Extraordinary and Minister Plenipotentiary of the United States in Chili.*

No. 68.

*Mr. Osborn to Mr. Evarts.*

No. 30.]

LEGATION OF THE UNITED STATES,  
*Santiago, Chili, January 31, 1878. (Received March 19.)*

SIR: The Congress which convened in regular session in June last has finally adjourned. Following the passage of the necessary appropriation bills, on the 16th of this month the members abandoned their seats and left for their customary summer resorts, but the decree of the executive by which the session was closed was not issued until the 22d.

The financial situation and the questions affecting the civil powers of the Roman Church have claimed the attention of Congress throughout its session, and have occupied nearly all of its time. The church question was introduced early in the session in the shape of a bill to throw open the public cemeteries to the burial of protestants, and its discussion has caused great excitement. The power of the church is by no means insignificant; and such as it was, with all its force, was brought to bear, and for a time at least the passage of the bill has been prevented.

It originated in the house of deputies, or lower house, and after being

discussed at great length finally passed that body by a large majority. But the friends of the measure have not been so successful in the Senate. Those competent to know, assure me that the higher branch of Congress is very evenly divided on the question. I apprehend that both sides are fearful of the result of a vote; at all events the bill has been allowed to quietly rest there without action. By some it is believed, and perhaps with good reason too, that the depressed financial condition of the country, and the extreme anxiety of the government to devise some means by which to extricate itself from its embarrassments, have had more or less to do with the indisposition of the more conservative branch of Congress to permit this disturbing question to be brought forward at present.

The financial situation presents a very difficult problem to the wise men of Chili. A combination of causes, among which I may mention as prominent, the low price of coffee, and a comparative failure, for several years, of the wheat-crop, has contributed to make the condition of this country, in a financial view, quite the reverse of flattering. Business is, comparatively prostrated, and failures among the banks and mercantile houses are becoming quite common. This depression has necessarily led to a curtailment of expenses on the part of the people, and the imports have, of course, been correspondingly decreased. And here is one of the immediate causes for the present very annoying situation of the government.

The public revenues are derived, in the main, from duties on imports, and as these have gradually decreased, in a corresponding degree has the revenue fallen short of the estimates. The deficiency the past year was nearly \$3,000,000, and it is announced authoritatively that this year it cannot be less than \$2,000,000. To provide for these deficiencies, and to so reorganize the financial system as to make the revenues sufficient to meet the demands upon the treasury, are the problems which are just now perplexing the government.

At the opening of Congress the President urged upon that body the necessity for a general reduction of expenses in all the various branches of the government, and much time was spent during the session, in discussing the various propositions which were presented having that end in view. Something was accomplished in the direction indicated, but not sufficient, by a considerable, to meet the necessities of the hour. The deficiency in 1876 was about \$2,000,000, and Congress then, after spending much time in discussing the situation, and finally advancing the duties on imports to an extent which was deemed necessary to produce the needed revenues for the future, provided for the immediate wants of the government by authorizing the President to negotiate a loan. Bonds were issued and sold, and the difficulties were for the moment bridged over.

But it appears that the legislation of that year has utterly failed to accomplish the purpose for which it was intended, and the revenues, instead of being increased, have been absolutely reduced. At the close of the late session, after all methods had been discussed, there seemed to be no way out of the dilemma, except by a repetition of the action of the previous year, and therefore Congress, among its last acts, authorized the President to borrow, on the credit of the government, three and a half millions more. To this add the acknowledged fact that the deficiencies for this year cannot be less than two millions notwithstanding the earnest efforts which have been made to avert such a result, and you will understand why the problem seems so difficult.

The determination to preserve the credit of the government is every-

where manifest, but just how to do it does not clearly appear to those who have the interest of the public in charge. At the suggestion of the President, a short time prior to the adjournment of Congress, a law was passed providing for the creation of an extraordinary commission, to which was referred this troublesome question. The commission is now engaged in the consideration of the subject, and it is announced that it will be ready to report to a special session of Congress which, it is understood, will be convened about the last of April.

Meanwhile, the means by which the threatened evils are to be averted and the credit of the government placed upon a sound financial basis, continues to be the all-absorbing topic of discussion in the public prints and in business circles.

I have, &c.,

THOMAS A. OSBORN.

No. 69.

*Mr. Osborn to Mr. Evarts.*

No. 33.]

LEGATION OF THE UNITED STATES,  
*Santiago, Chili, March 1, 1878. (Received April 2.)*

SIR: A question has presented itself to my mind upon which I desire the advice of the State Department. It is as to the status of our treaty relations with Chili. I am aware that in 1849 Chili, in so far as it could under the first clause of Article XXXI of the treaty of 1832, terminated said treaty by giving the notice provided for in said article.

The treaty of 1832 was a treaty of peace and friendship and commerce and navigation. By reference to the clause above referred to it will be observed that each of the contracting parties reserved to itself the right to terminate the treaty at the expiration of twelve years in all its parts relating to commerce and navigation, but that in all its parts relating to peace and friendship it was to remain permanently and perpetually binding on both parties.

I have searched the archives of the legation in vain for some information touching the views of the Department of State as to the effect of the notice given by Chili. The legation does not seem to have been furnished with a copy of the notice. Article X of the treaty of 1832, as explained in Article II of the treaty of 1833, guarantees to the citizens of each country "transient or dwelling" in the other the full protection of the laws of the country in which they may be.

Does the notice given by Chili terminate this section, and thus leave to our citizens here such guarantees only as they may have under the public law, or does the section still stand?

Several other sections of the treaty present the same question, but I have deemed it sufficient to refer to this one.

I attach some importance to the question in view of the effort which is being made in the United States to increase our commerce with this country. To effect much in this direction I anticipate that our manufacturers will consider it necessary to establish here branch business houses, but I am fearful that a total absence of treaty guarantees may have a tendency to deter our citizens from embarking in business enterprises here.

The government officials have been absent from the capital since early in January. They will probably return this month or next, when I will

take occasion to sound the Minister of Foreign Relations as to the desires of Chili concerning a new treaty with our government. I have some reason on which to base a belief that the Chilian officials will be found ready to meet us half-way in the establishment of regulations which shall have in view the mutual interest of both countries, commercially and otherwise.

I have, &c.,

THOMAS A. OSBORN.

No. 70.

*Mr. Osborn to Mr. Evarts.*

No. 34.]

LEGATION OF THE UNITED STATES,  
*Santiago, Chili, March 9, 1878. (Received May 3.)*

SIR: For many years the boundary line between Chili and the Argentine Republic has been, with those countries, a subject of diplomatic discussion. The controversy relates, in the main, to the exercise of jurisdiction in the Straits of Magellan and in the country contiguous to the mouth thereof on the Atlantic coast. Chili has for a long time been in actual possession of the Straits, and has likewise asserted her right of dominion to that portion of the Atlantic coast lying between the mouth of the Straits and the river Gallegos; while the Argentine Government maintains that this possession has been in violation of her rights, and that the claim in regard to the Atlantic coast is without merit. In the question is involved the dominion to a considerable part of Patagonia, but I judge that it is regarded with comparative indifference by the parties concerned, except in so far as it may affect jurisdiction to the Straits and the contiguous Atlantic coast.

The controversy is as old as the republics engaged in it, and on more than one occasion it has seriously threatened the peace of the southern part of South America. It has, indeed, been a constant source of anxiety. Both governments have always professed to be desirous of settling their differences amicably, and for many years negotiations to that end have been pending, but from time to time they have been broken off and then again renewed, only to be interrupted again, until each government was led to regard the other with suspicion, if not with enmity. The dispute has latterly assumed a more threatening aspect than at any former time, and it has seemed to me, from the tone of public sentiment as it has manifested itself through the public prints, that unless the differences should soon be settled amicably, war must certainly follow. The danger seems to have been comprehended by both governments, and with a view of averting a war, for which neither of them is prepared, they have, during the past few months, labored assiduously, apparently, to arrive at an amicable arrangement. The negotiations have been conducted at Buenos Ayres. The information which we get here is not entirely satisfactory, but enough is known to warrant the statement that a basis for a peaceable settlement has been arrived at; that the protocol, which has been signed by the representatives of both governments, names the King of Belgium as arbitrator, to whom is to be referred the matters in dispute; and that pending the settlement, Chili is to retain jurisdiction of the Straits of Magellan to the Atlantic, and the Argentine Government is to exercise jurisdiction of the Atlantic coast to the mouth of the Straits.

For some reason the government here is exceedingly reticent on the subject of the negotiation, and inquiries at the foreign office are universally answered that "negotiations are proceeding satisfactorily," but nothing further. My information is derived from Buenos Ayres, but I regard it as reliable. In an interview which I had yesterday with the diplomatic representative here of Belgium, he informed me that he had a short time since addressed the Minister of Foreign Relations on the subject, and expressed a desire, inasmuch as it was reported that the King of Belgium had been named as arbitrator, to be furnished with information for the use of his government in regard thereto. But he was informed by the Secretary that it was not deemed advisable at present to furnish any information on the subject.

It is asserted that since the signing of the protocol an effort has been made by Chili to reopen the discussion with a view to a settlement without arbitration, and that to this is to be attributed the reticence of the authorities here. By others it is claimed that this reticence comes from the fact that the protocol cedes to the Argentine Government, pending the arbitration, jurisdiction of the Atlantic coast to the mouth of the Straits. It has always been the policy of Chili, they say, to insist upon its right to a part of that coast, and that the government is loath to meet the storm of indignation which would follow an authoritative promulgation of the terms of the protocol. With this latter class I do not agree. It does not stand to reason that the government would become a party to a contract the terms of which it knew to be absolutely obnoxious to the country. I am, however, inclined to believe that Chili is making another effort to settle the dispute without the aid of an arbitrator, and in this, it seems to me, she is to be commended.

The peaceable solution of this dispute is to be attributed, in my judgment, more than to any other cause, to the depleted state of the treasuries of both countries. Chili is quite as well prepared, I judge, to carry on a foreign war as any other government in South America, except, perhaps, Brazil, and I am confident that her Exchequer is not in such a condition as to warrant her in entering upon the extraordinary expenditures required in such an emergency.

I can well understand why Chili should regard it as important that she should continue to exercise jurisdiction of the territory bordering upon the Straits of Magellan. Her commerce is almost entirely carried on by way of the Straits, and she might well regard with apprehension an effort upon the part of a neighboring government, having no such interest, to obtain control thereof.

I have, &c.,

THOMAS A. OSBORN.

---

No. 71.

*Mr. Evarts to Mr. Osborn.*

No. 25.]

DEPARTMENT OF STATE,  
Washington, April 12, 1878.

SIR: Your dispatch No. 33, of the 1st ultimo, has been received. It asks whether the termination by Chili of the treaty of 1832 with the United States, abrogated the clause of the tenth article, which guarantees to citizens of the parties the benefit of the laws of their respective countries. In reply I have to state that the termination of the treaty can only be regarded as a termination of all the special stipulations em-

braced in it, including the one adverted to. Even in the absence of a treaty, however, Chilians in this country would have the full protection of the law, and we should expect the same for citizens of the United States in that country. Although that instrument provided that those of its parts which related to peace and friendship were not repealable, as those parts are not specified, it would now be difficult to determine what were meant to be included in them.

Similar difficulties have been experienced on other occasions. The treaty of 1828 with Brazil contained a clause like that in the one with Chili. Under the eleventh article of that treaty, equitable provision was made for disposing of the property of decedent citizens or subjects of the parties. It was long strenuously, but ineffectually, contended by this Department that the stipulation adverted to was one of those relating to peace and friendship, and should therefore be regarded as in force. Much inconvenience has been experienced by the refusal of the Brazilian Government to admit this construction. As no treaty exists with Brazil, the estates of our citizens who die there are administered according to the local law, which is tardy in its proceedings, and is supposed to absorb, by the expense attending them, an undue share of the property.

You say that there is not on file in the legation any copy of the notice of the Chilian Government in regard to the termination of the treaty. A copy of Mr. Carvallo's note to Mr. Buchanan of the 19th of January, and of the reply of the latter of the 27th of February, 1849, on that subject, are consequently herewith transmitted. The question is referred to in the full and elaborate instructions of Mr. Clayton to Mr. Balie Peyton of the 10th of September, 1849, which it is supposed are on the files of the legation. The record of his dispatches to the Department will show you the steps he took toward a new treaty, and the reasons why negotiation upon the subject was abortive. Undoubtedly such an instrument, upon a fair basis, would be advantageous to the interests of the United States. You may consequently sound the minister for foreign affairs as to the disposition of his government upon the subject. If this should be favorable, a power will be forwarded to you, with such further instructions as the lapse of time since Mr. Peyton's mission, and the greater experience of the Department, may seem to render advisable.

I am, &c.,

WM. M. EVARTS.

---

[Inclosure 1 in No. 25.—Translation.]

*Mr. Carvallo to Mr. Buchanan.*

No. 18.]

LEGATION OF CHILI,  
Washington, January 19, 1849.

The undersigned, envoy extraordinary and minister plenipotentiary of Chili, has the honor to communicate to his excellency, Mr. Buchanan, Secretary of State of the United States, that in the exercise of the authority that by the Article 31 of the treaty of navigation and commerce concluded in Santiago on the 16th of May, 1832, is reserved to both governments, that of Chili desires to terminate the said treaty, which, agreeably to the said article, will take effect on the 20th day of January of the next ensuing year.

The undersigned has also the honor to inform his excellency in the name of his government that he is ready to renew the treaty with certain modifications that time and experience have shown to be necessary, and which will redound to the benefit of both countries.

The undersigned reiterates to his excellency the assurances of his very high consideration.

M. CARVALLO.

His Excellency JAMES BUCHANAN,  
*Secretary of State of the United States.*

[Inclosure 2 in No. 25.]

*Mr. Buchanan to Mr. Carvallo.*DEPARTMENT OF STATE,  
Washington, February 27, 1849.

The undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the note of Mr. Carvallo, envoy extraordinary and minister plenipotentiary of the Republic of Chili, of the 19th ultimo, giving notice, pursuant to the thirty-first article of the treaty of navigation and commerce concluded at Santiago on the 16th of May, 1832, that his government desires to terminate that treaty, and that, in conformity with the article referred to, the notice will take effect on the 20th of January next.

The intimation which Mr. Carvallo also expresses, that the Chilian Government is disposed to renew the treaty with some modifications, shall be submitted to the consideration of the President.

The undersigned avails himself of this occasion to offer to Mr. Carvallo renewed assurances of his very distinguished consideration.

JAMES BUCHANAN.

Señor Don MANUEL CARVALLO, *fe., fe., fe.*

No. 72.

*Mr. Osborn to Mr. Evarts.*

No. 39.]

LEGATION OF THE UNITED STATES,  
*Santiago, Chili, April 18, 1878. (Received June 3.)*

SIR: On my way down the Pacific coast in August last my curiosity was especially excited concerning the disastrous earthquake and tidal wave with which that section had been visited on the evening of the 9th of May preceding. A memorandum was made of the result of my inquiries, and I have thought that it might possess sufficient interest to warrant me in basing a dispatch upon it.

The shock and the subsequent wave were experienced with more or less violence on the entire coast from Callao to Valparaiso, the center being near the southern boundary-line of Peru, in the neighborhood of the southern guano-deposits. At Callao the water rose several feet, but comparatively little damage resulted therefrom. In fact, I did not observe anything worthy of especial note, in view of the frequency with which this coast is visited with occurrences of this character, until my arrival at Arica, about 400 miles south of Callao. Here the shock was very violent. The sea, immediately after, rose to a great height, and rushed wildly in to finish the work which had been but begun by the quake. I did not go ashore at Arica, and was unable to learn of the exact rise in the water, but could plainly see from the ship some of the disastrous results. The fine iron mole which had been but a short time completed was almost entirely carried away. As evidence of the violence of the wave, I may state as a fact that the hull of the American war steamer *Waterloo*, which had been thrown a mile or more inland by the great wave of 1868, was floated and deposited a considerable distance farther north and to the water's edge.

At Iquique, some 150 miles farther south, the quake was felt at 8½ o'clock, p. m., and the sea shortly afterwards rushed in upon the town, sweeping away the moles, and destroying the nitrate bodegas and the business houses which were situated near the sea. There was no loss of life, however, the people having fled to the hills. At this point the sea was very violently agitated, and during all the next day, at irregular in-



tervals, rose to an extraordinary height. There were many ships in the harbor, and, breaking from their moorings, they were recklessly tossed about on the waves, totally regardless of all efforts to control their movements. A German bark foundered, and a steamer, a schooner, and several lighters were thrown upon a small island in front of the town.

Some 50 miles to the south of Iquique are the southern guano deposits. There are three towns in this section, named, respectively, Point Lobos, Haunillos, and Pabellon de Pica. At the last-named place, at a few minutes past eight was felt the first shock, preceded by a loud subterranean rumbling; and almost immediately came the great quake, the strongest felt in Peru since that which worked such ruin on the coast in August, 1868. It lasted about three minutes, and the violent motion of the ground caused the kerosene lamps by which the place was lighted to be overthrown, originating a number of fires. Many persons, remembering the wave of 1868, ran for the hills by which the town is surrounded, while many labored to extinguish the fires, which were threatening the destruction of the little city. The sea soon rose to an enormous height, and rushing violently through a gully formed by a point of high rocks called "Chanavaya" and the mountains behind, swept at one blow the entire town into the sea. Two hundred persons were carried off by the wave. With those who escaped it was a run for life, and nothing whatever was saved by them except the clothing they were wearing at the time. By the light of the burning buildings a number of women were observed together round the church engaged in prayer. The wave rushed in, and in a moment all was darkness and death. The sea came and retired, during that awful night, five times, at intervals of about thirty minutes, and the marks show that the water rose about 60 feet above its ordinary level. Previous to the shock there was bright starlight, but this gave way to inky darkness, with a slight drizzle of rain. The poor shivering people on the high ground, many of whom had only their night-clothes, suffered indescribable horrors. The grinding together of the ships which were at anchor in the bay and the crashing of the rocks as they fell from the precipitous and lofty hills in the neighborhood betokened great destruction; yet even these, ominous as they were, but poorly prepared those who had been saved for the sight which daybreak presented to them. Not only was the entire town swept away, but even the form of the ground on which it had stood was greatly changed, and the busy place of the day before remained only in memory. But great as was the ruin of the town, it was equaled, if not eclipsed, by the wreck among the shipping. The ships, parting their moorings, with the eddies created by the waves, collided promiscuously with each other. They rushed in with the waves and out again with the reflux, sometimes at a speed of eight knots an hour; and all were mixed up in the most dire confusion, and many were abandoned by their crews.

The American ship *Alida*, of Thomaston, Me., carried away with her masts the principal platform and chutes by which the guano was laden, and then went ashore, where she now lies a total wreck. Two Norwegian ships, both named *Drot*, the German bark *E. F. Gabian*, the Italian bark *Silvia B.* and *Antoni*, and the English bark *Lady Bellew*, foundered. Several ships were so seriously injured that they have been condemned and sold, while all the remaining ones then in the harbor have been compelled to go to Callao and Valparaiso, for repairs. All the lighters and small craft were either foundered, dashed to pieces on the rocks, or deposited high and dry at a considerable distance from the sea.

At Point Lobos and Huanillos the same phenomena were experienced and with equal force. Great damage was suffered among the shipping, and part of the town of Huanillos was swept away.

At Point Lobos, the American ship Shamrock and an Italian vessel foundered; and at Huanillos, the English ships Avonmore, Conference, and Conway Castle, and the American ship Geneva suffered a like fate. Several lives were lost, among them the wife and family of the captain of the Avonmore and the captain of the English bark Arctic. The earth cracked in many places near Huanillos. A peculiar blue fire flashed on the hills, and a strong sulphurous smell prevailed, which caused a fear that the atmosphere might be destroyed, and greatly added to the terrors of the people.

Toward the south the violence of the quake and wave gradually diminished. At one or two points in Bolivia, I learn, some damage resulted. At Valparaiso the shock was comparatively slight, and no loss was occasioned by it.

I have, &c.,

THOMAS A. OSBORN.

No. 73.

*Mr. Osborn to Mr. Evarts.*

No. 44.]

LEGATION OF THE UNITED STATES,  
*Santiago, Chili, June 5, 1878. (Received July 15.)*

SIR: Congress was formally opened in regular session on the 1st instant. As is the custom, the President of the republic read his message in person to both houses of the National Assembly. Having been honored with an invitation from the minister of foreign relations to be present on the occasion, I attended the opening and witnessed the ceremony.

Inclosed you will find a copy of the message in Spanish, as also a faithful synopsis in English. This synopsis is all that has been published here in the English language, but it is so complete, that I have deemed it unnecessary to cause the message to be translated entire.

The message is a plain statement of the condition of the country as it appears on the surface, but it fails, in my judgment, to meet the necessities of the hour. It shows a prostration of business and a vast decrease of commerce; a diminution of the public revenues and an increase of the public debt; and yet, to my mind, it points out no adequate remedy for these evils. True, it proposes, with a view of creating additional revenues, an increase of the duties on imports and the creation of a light income tax; but these, even if they should be accepted by Congress, would prove inadequate, I fear, to the necessities of the country, and could not but fail, I judge, to accomplish the purposes desired.

It is due to truth, however, that I should not allow this to go upon record without saying that there is in this country a universal sentiment in favor of meeting promptly, in good faith, the public obligations, and that, in my opinion, the interest and principal of the public debt will continue to be paid when due.

"Imports," says the President, "which in 1876 amounted to \$35,291,041, fell off in 1877 to \$29,279,113; and exports fell from \$37,771,039 to \$29,715,372, due to the low price of copper in Europe and the deficient harvest." Continuing, he says "the revenue has experienced the effects of the reduction of trade; the ordinary receipts last year being \$13,701,794.65,

inferior to those of 1876 by \$1,658,922.35, and the extraordinary to \$4,977,172.02. The expenditure amounted to \$20,463,685.73, or an excess over the revenue of \$1,784,729, to which must be added \$634,393.61 deficit standing over from 1876."

It will be observed that the President announces that the dispute with the Argentine Government concerning their boundaries has not been definitely settled, from which you will understand that the treaty lately negotiated at Buenos Ayres, to which I referred in my dispatch No. 34, does not meet the approval of the Chilian Government. Of this I will write fully hereafter.

As soon as they shall assume tangible shape, I will inform you as to the proposed changes in the duties on imports.

I have, &c.,

THOMAS A. OSBORN.

[Inclosure in No. 44.—Translation.]

#### SYNOPSIS OF PRESIDENT'S MESSAGE.

JUNE 1.—The ordinary session of Congress was opened to-day with the customary ceremonies. The President's message commenced with the announcement that the foreign relations of the republic are satisfactory; that no arrangement had been come to on the frontier question with the Argentine Republic, but that he hoped time would remove the obstacles which now prevent a settlement. The railway between Curicó, Los Angeles, and Angol was provisionally delivered to the state at the beginning of the current year, and its conclusion in a solid and permanent manner is desirable as early as possible, with which design the necessary plans and estimates are being prepared. The bill on the organization of the administration of the state railways is recommended to the consideration of Congress. The codes on civil and criminal judicial procedure are in an advanced state. Notwithstanding the lack of resources, public instruction is receiving the carefullest attention of government. Commerce last year suffered a notable diminution. Imports, which in 1876 amounted to \$35,291,041, descended in 1877 to \$29,279,113; and exports fell from \$37,771,039 to \$29,715,372—due to the low price of copper in Europe and the deficient harvest. These causes still continuing, much improvement cannot be looked for this year. The revenue has experienced the effects of the reduction in trade, the ordinary receipts last year being \$13,701,794.65—inferior to those of 1876 by \$1,658,922.35; and the extraordinary to \$4,977,172.02. The expenditure amounted to \$20,463,685.73, or an excess over the revenue of \$1,784,729, to which must be added \$634,393.61, deficit standing over from 1876. Reductions have been introduced into the expenditure as far as possible, but it must not be forgotten that economy has its limit, and the disorganization of the public service may be an evil of greater magnitude than additional taxation, even in the present hard times. For this reason the bills on the reform of the tariff, and the income tax, are recommended to the attention of Congress. The government has raised the loan of \$3,000,000, which it was authorized to do to cover the deficit of last year, on advantageous conditions, and has satisfactorily settled the question respecting the admittance of bank-notes in the government offices. With the object of deciding the question of the mineral wealth of the desert of Atacama, an engineer was sent to make a detailed survey; his report, confirming many of the hopes entertained from previous explorations, will shortly be published. The advance of the Araucanian frontier is next alluded to, and the progress realized by the settlement of that region. The army is complimented on its efficiency and discipline, and the navy is maintained in as perfect a manner as the resources at disposal will admit. Some of the vessels have been laid up, and others, inadequate for the service, sold; the iron-clad *Almirante Cochrane* is shortly expected from England, whither she had been sent for repairs. The coast surveys are being continued successfully, and the fourth volume of the *Anuario* has recently been published, containing a report of the operations of that department. To improve the instruction of the officers of the navy, the government has obtained the admittance of some of them to vessels of the English, French, and German marine. The message concludes by an allusion to the difficulties existing with reference to the financial situation, and the hope that they will be overcome by the prudence and patriotism of the nation; and, in calling attention to the defects in the existing electoral law, recommends the careful study of the amendments that will be submitted to it during the present session of Congress.

No. 74.

*Mr. Osborn to Mr. Evarts.*

No. 66.]

LEGATION OF THE UNITED STATES,  
*Santiago, Chili, October 24, 1878. (Received November 26.)*

SIR: In a recent Valparaiso newspaper I find published a letter and census report from J. R. McKoy, the chief magistrate of Pitcairn's Island. It was brought to Valparaiso by Rear-Admiral de Houey, of the British navy, who, with the naval ship *Shah*, recently touched at the island. This island was, it will be remembered, colonized in 1789 by nine mutineers from the British ship *Bounty*, who took with them from Tahiti nine native men and the same number of women. The mutineers took the women for wives, and the present population is descended from this union. The island was first known to be inhabited in 1808, when it was visited by Captain Folger, of Nantucket, while on a sealing voyage. They subsequently became too numerous for the resources of the island, and in 1856 one hundred and ninety-eight, constituting nearly the entire population, were transported to Norfolk Island. In 1859, some seventeen of these returned, and these, with the few that were left, formed the basis of the present population of ninety. They are said to be an honest people, of simple habits, and of earnest religious convictions.

I have, &amp;c.,

THOMAS A. OSBORN.

## CHINA.

No. 75.

*Mr. Seward to Mr. Evarts.*No. 333.] PEKING, *September 22, 1877. (Received November 9.)*

SIR: The consul at Canton, Mr. Lincoln, has lately addressed a dispatch to Mr. Campbell (No. 38, of August 14), in which he suggests that the circulation of the trade-dollar in this empire might be increased. The subject is of interest, and it seems to me desirable to take notice of his suggestions. These are contained, substantially, in two paragraphs of his dispatch:

1. If at Canton, where the subject has been brought to the attention of the authorities, and their action, in consequence, results in so increasing the circulation of the trade-dollar, why will not the same result be obtained by similar efforts in every province throughout the empire where foreign "coins" are in circulation?

2. I am also of opinion that the circulation would be considerably augmented if the paymasters in our Asiatic squadron, and in fact our diplomatic and consular officers in China, were directed, when disposing of government drafts, to receive the trade instead of the Mexican dollars.

To the first suggestion I may say that Mexican dollars are in circulation at the ports of Canton, Swatow, Amoy, Foochow, Ningpo, and Shanghai, and trade-dollars at the ports named, Shanghai and Ningpo excepted. The ports of Canton and Swatow are within the jurisdiction of the viceroy of the Kwang provinces; those of Amoy, Foochow, and Ningpo fall within the view of the viceroy of Min-cheh, who is resident at Foochow. The proclamation referred to by Mr. Lincoln as having

been issued at Canton a few years ago, declaring that the trade-dollar is to be considered of a certain value and received in payment of customs dues, was repealed by the Foochow viceroy.

At all ports in China, Shanghai excepted, therefore, where dollars of any kind are in circulation, the value of the trade-dollar has been declared, and it is receivable for customs dues.

At Shanghai a special demand for the old Carolus and the Mexican dollars exists. They have become known in the great silk-producing district adjacent to the port, and are in demand at a premium which sometimes ranges as high as 5 per cent. for Mexican and 6 or 8 for Carolus dollars. They are never paid in at the customs at par, but they are received when tendered at the value of the day.

It has been hoped that the trade-dollar also would come to be accepted at Shanghai for more than its par or intrinsic value, and for this reason no proclamation declaring its value has been sought for, lest, as at Canton and in the south generally, this value should become its usual exchange value.

As Mexican and Carolus dollars have never come into use at the ports opened in 1861 (those on the Yang-tse and north of Shanghai), the chances for the trade-dollar at these points do not appear good.

The proposal that naval, diplomatic, and consular officers be instructed to receive trade-dollars when disposing of government drafts is hardly practical. Naval paymasters would be at a loss what to do with such money at many of the ports, and it would not be the "currency of the place" for any officers of the other services named, saving in a measure at the ports south of Shanghai and Ningpo.

I have never before heard that the "new Mexican dollar" is minted at Birmingham.

The fact that our dollar is considerably undervalued at Canton has been heretofore commented upon by me. I shall bear the subject in mind in order to secure a correct valuation.

I have, &c.,

GEORGE F. SEWARD.

---

No. 76.

*Mr. Exarts to Mr. Seward.*

No. 199.]

DEPARTMENT OF STATE,  
Washington, November 14, 1877.

SIR: Your dispatch No. 332, of the 22d September last, inclosing a copy of a letter from the consul-general at Shanghai, covering a circular addressed by the chairman of the chamber of commerce at that place to the ministers of the treaty powers on the Woosung Railway, advising them of the determination of the Chinese authorities to discontinue the use of the Woosung Railway, and requesting the exercise of their good offices with a view to the maintenance of the line, has been received.

In reply, I have to observe that it is deemed advisable, without questioning the right of discretion in the matter belonging to the Government of China, that you should take such steps as may appear proper, in concert with the representatives of other powers, to represent to the Chinese authorities, on the ground of public policy and convenience, the inexpediency of taking the course which they are understood to contemplate in reference to the Woosung Railroad.

I am, &c.,

WM. M. EVARTS.

No. 77.

*Mr. Seaward to Mr. Eratts.*

No. 365.]

UNITED STATES LEGATION,

*Peking, December 21, 1877. (Received February 25, 1878.)*

SIR: While at Shanghai, lately, I learned that the process of removing the Woosung Railway has been carried far toward completion. The engines had been taken to pieces, and the rails and ties put in store.

It was said by the Chinese authorities that the material would be transferred to Formosa, where an effort is being made to work coal-mines after foreign methods, and a disposition has been shown to introduce telegraphs and railways. It is very doubtful, however, whether the plan will be carried out. The promoters of progressive measures there have many difficulties to contend with, which may, more or less, defeat their objects; and indeed, the material in question is not well adapted for serious work. The governor of Fukein told Mr. Holcombe last summer that it would not answer his purposes.

Of course, a great deal of disappointment is felt at Shanghai in consequence of the policy pursued by the authorities. The railway was an accomplished fact, and it served greatly the convenience of both foreigners and natives. The latter in particular had occasion to use it, and had only good to say about it. It was promising to yield moderate dividends.

It may be said, moreover, as I think, that the destruction of the line has disappointed many Chinese of the official class. The viceroy at Tientsin expressed himself to me on one occasion as favorably disposed to it, and the ministers of the Tsung-li Yamén once said to a foreign minister, "Why cannot you people start a railway at one of the ports?" Its projectors had much to hope for, indeed, in the general readiness of the Chinese to avail of improved methods, when once they are brought clearly before them, and from the quiet support of the class which is anxious to promote the development of material interests.

The projectors of the line were, indeed, so confident of the support of the authorities that they did not hesitate to apply to the customs to be allowed to land the material free from duty. It was three years from the time that the land was purchased before the iron was laid. The object in view was freely spoken of in the mean while, both among foreigners and natives, and no objections were made. I, myself, secured the punishment of certain Chinese who had assaulted one of our countrymen while prosecuting grading operations, and I urged my predecessor in office here to unite with his colleagues in bringing the business before the foreign office, in order to forestall opposition, should such spring up.

No one, perhaps, would have been so hopeful had the grave complication between Great Britain and China, growing out of the Yunnan difficulty, been anticipated. From the moment of its occurrence it was the policy of the Chinese Government to raise a counter grievance, and this had more to do with the hostility suddenly manifested against the railway than all other causes combined.

One cannot but feel great anxiety as to whether the experiment made at Shanghai will tend to retard the introduction of railways. I am disposed to think that, taken in all its bearings, it will do more good than evil, although, of course, the destruction of the railway is to be deplored. The effort made there, however, has demonstrated the fact that such works will be appreciated by the people, and that the unreasoning hostility toward them expected by many, is not likely to be developed.

Unfortunate, therefore, for the moment, as that experiment proved to be, we cannot regret that it was essayed.

It is said that there are at this moment 60,000,000 of people threatened with distress in consequence of the famine now prevailing in this and the adjoining provinces, and that hundreds of thousands must perish. Harbors, rivers, and canals are frozen, and the roads and mule-paths are neglected and out of order. The carriage of food supplies becomes so expensive under these circumstances, as to be practically impossible in any adequate measure. Yet these provinces possess great natural resources, and embrace, in particular, a district which is richer in coal and iron than any other in the world. The introduction of railways, by developing new industries, and by enabling the people to avail of new and distant markets, would go far to remove the danger of a recurrence of such disasters.

I have not failed to point out, in the past, mistakes committed by the promoters of the Woosung Railway. I do not hesitate, however, to assert that generous ideas, and not selfish ones, were those which impelled them to take up the undertaking. It remains to be hoped that what was liberally conceived shall not fail, in whatever way, to bring about the results which its projectors expected, and which are of so vast importance to the welfare of this people.

Regarding the matter in this light, I shall speak of it to the ministers of the foreign office from time to time, as I may be able to, without in any way giving offense. I am fully aware of the delicacy of my position as a diplomatic officer. It is one, however, which has responsibilities of a humanitarian sort, and I do not wish to forget this fact, in my anxiety to preserve, always, an attitude of respect and friendliness.

I am, &c.,

GEORGE F. SEWARD.

No. 78.

*Mr. Seward to Mr. Evarts.*

No. 380.]

UNITED STATES LEGATION,  
*Peking, January 10, 1878. (Received March 5.)*

SIR: I have the honor to transmit to you herewith an English translation of a treaty recently made between this government and the Spanish government in regard to the emigration of Chinese to Cuba and their treatment there.

You will notice, in reading this treaty, that the views presented to the Chinese by my predecessor, Mr. Avery, in regard to the evils of contract emigration have prevailed; that such emigration will not be permitted in the future, and that voluntary emigration is provided for under guarantees which have seemed suitable to the contracting parties.

I see nothing in this part of the convention to criticize; on the contrary, the stipulations agreed upon, if faithfully enforced and observed, cannot but prove mutually beneficial.

The third, the sixth, and subsequent articles provide more particularly for the appointment of Chinese consular officers in Cuba, and the treatment to be accorded to Chinese subjects resident in that island. The important features of this part of the treaty are as follows:

ART. III. "The Government of Spain agrees to accord to Chinese subjects now resident in Cuba, or who may hereafter proceed thither, the most favorable treatment which is accorded to the subjects of the same class of other high powers."

ART. VII. "They may leave the island or travel within it at pleasure."

ART. VIII. The courts of the island shall be open to them as to the subjects or citizens of other powers.

ART. IX. They shall be registered at the office of the consul-general at Havana. Lists of those in different parts of the island shall be provided by the Spanish authorities, and facilities given to consular officers to inspect their condition.

ART. XI. Chinese officials and students, those incapacitated for work, and widows and orphans, shall be returned to China at the expense of Spain.

ART. XII. Those who are entitled by contract to be sent back shall be entitled to claim the enforcement of their contracts.

Those whose contracts have expired, and who are not entitled by them to be sent back, shall receive the joint attention of the Chinese consular and the local officials.

ART. XIII. Chinese may not congregate in any part of the island in such numbers as to endanger the peace.

ART. XIV. Contracts not fulfilled must be carried out. Chinese detained in labor depots shall be released.

While it may be said that there is a degree of ambiguity in the stipulation that the Chinese in Cuba shall be entitled to "the most favorable treatment accorded to the subjects of the same class of other high powers," it may be urged, on the other hand, that a more precise stipulation could not, perhaps, have been safely agreed to by Spain, looking to the fact that the element which is the subject of negotiation is one which cannot readily conform its condition to those of the born subjects of Spain or those of other aliens.

I do not need to dwell upon this point in order to illustrate the difficulties which must be encountered in dealing with a large Chinese laboring population in a Western country.

How far the Spanish authorities will be able to carry out their agreement to repatriate the Chinese of classes named cannot be foretold. Peru has not yet sent back any under similar stipulations, and neither government will be likely to do so, unless held to their contracts rigidly by the representatives of China.

The settlement of the difficulties between Spain and China, thus arrived at, must be considered fortunate for the relations of other powers with China. A great deal of information in regard to the sufferings of the Chinese in Cuba has been given to this government and scattered over the empire, and the good name of all Western peoples has been more or less compromised in consequence. We have every reason, therefore, to be satisfied that a settlement has been reached, and need not be sorry to learn that it is one which the Chinese think especially favorable to themselves.

The "Sovrana case," which has been alluded to from time to time in my dispatches, was closed by the Spanish minister coincidentally with the conclusion of the larger negotiations. The government paid a reduced sum as indemnity for the pillage of the ship and cargo, amounting, with interest, to about \$18,000.

I have, &c.,

GEORGE F. SEWARD.

[Inclosure 1 in No. 380.—Translation.]

*Prince Kung to Mr. Seward.*

Prince Kung, chief secretary of state for foreign affairs, herewith makes a communication.

Referring to the subject of Chinese laborers in Cuba, this government has hitherto



been the recipient of the thoughtful assistance of their excellencies the ministers of the several powers in efforts toward an adjustment.

This office has now agreed with his excellency Señor de España, the minister for Spain, upon certain articles of a convention, which were duly signell and sealed upon the 17th instant, being thus attested.

This business has called forth repeated expressions of interest from the ministers of the several powers, for which this office begs leave to express its deepest gratitude.

I have the honor to hand to your excellency herewith a copy of the convention for your consideration, and to request that your excellency will inform your government of its contents, and request your government to instruct its consular officers in Cuba to assist the consular officers which this government will hereafter send to reside in that island, in case questions affecting Chinese laborers shall arise, to the end that there may be no failure to carry out the provisions of this convention, as a proof of sincere friendship.

This Yamen desires most sincerely this good office on the part of your government.

His Excellency GEORGE F. SEWARD,  
*Sec., Sec., Sec.*

PEKING, November 17, 1877.

[Inclosure to inclosure 1 in No. 380.—Translation.]

#### TEXT OF CONVENTION AGREED UPON.

Their Majesties, the Emperor of China and the King of Spain, being desirous to establish new regulations for the emigration of Chinese subjects to the island of Cuba and their residence there, and in order to avoid misunderstandings in the future, have for this purpose delegated full powers, on the part of His Majesty the Emperor of China to Shên, Mao, Tung, Cheng and Hsia, minister of the foreign office, &c., and on the part of His Majesty the King of Spain to Señor de España, minister to China. &c., who have mutually agreed upon the following regulations:

I. Since there is hereafter to be no emigration under contract to labor, such contracts will not be executed, and the clauses in the treaty between the Governments of Spain and China, signed at Tientsin October 10, 1864, which provided for the emigration of Chinese under contract to labor, are invalid and of no effect, excepting that the clause in the tenth article of the said treaty, which declares that Chinese fugitives from justice shall not be harbored, shall be observed as heretofore.

II. The emigration under contract to labor having heretofore not been entirely satisfactory, it is mutually agreed by the two governments that, these abuses having now been remedied, all claims for indemnity heretofore put forward on either part are waived.

III. It is mutually agreed by the two high contracting powers that hereafter the emigration of the subjects of either, whether of single individuals or of such persons with their families, shall be entirely free and voluntary on the part of such subjects, and the high contracting powers, therefore, agree not to consent to the employment of fraud or violence, either at the ports of China or in other places, or the use of fraud of any sort, by which Chinese subjects shall be led to emigrate without their free will and consent. In case the captains of vessels or other subjects of either power violate this stipulation, the high contracting parties pledge themselves to punish such offenders severely, according to the heaviest penalties provided by the laws of their respective governments for such offenses.

The government of Spain, further agrees to accord to Chinese subjects now resident in Cuba, or who may hereafter proceed thither, the most favorable treatment which is accorded in that island to the subjects of the same class of other high powers.

IV. The Government of China agrees that if at any of the ports open to foreign trade there shall be Chinese male or female subjects desirous of emigrating at their own expense to Cuba, to allow them to do so, and to interpose no obstacles. And it further agrees to instruct the customs intendants at the several ports open to foreign trade, and the local authorities, to see to it that the vessels of any nationality within the limits of their respective ports, and which may desire to receive as passengers Chinese subjects, according to the terms of this second treaty, for emigration, are provided with the necessary accommodations and supplies for the use of their emigrant passengers. In case the owners, charterers, and other parties connected with the said vessels comply with the stipulations of this convention, the custom intendants and local authorities shall interpose no hindrances.

V. The customs intendants and local authorities of the ports mentioned shall make thorough examination, in order to satisfy themselves that the provisions of this convention are complied with by and in behalf of Chinese emigrants.

Chinese subjects desiring to go abroad must first report their names and be regis-

tered at the office of the customs intendant, and apply for a sealed passport, the form of which will be prepared by the respective intendants. This passport, having been sent by the intendant to the Spanish consul for his countersignature and seal, will then be delivered by the intendant to the emigrant, who may then embark and proceed to his destination.

Upon arrival of the ship in Cuba, the proper official of the port shall hand over the original passport as signed and sealed by the customs intendant to the Chinese consul for examination.

At the several ports open to foreign trade in China, the customs intendant may appoint a deputy and the Spanish consul will also depute an official to personally examine ships carrying emigrants. If Chinese subjects not provided with the passport of the customs intendant are found on board, they shall at once be put on shore.

If, on arrival in Cuba, Chinese emigrants, unprovided with the intendant's passport, are found on board, the Spanish authorities of the port shall, in concert with the Chinese consul, devise a suitable procedure.

The owners or charterers of vessels shall report in advance the time at which they desire to sail, in order that the deputies may make their inspection, and that no delays or misunderstandings may arise. In case the captain of any vessel shall fail to comply with this rule, and shall attempt to sail without awaiting inspection, the authorities of the port will address the Spanish consul, who shall withhold the ship's papers, seize the vessel, and deal with her according to Spanish law. Thereafter and upon compliance with these regulations she may be allowed to proceed.

VI. The Government of China will at once appoint a consul-general to reside at Havana, in the island of Cuba. In addition thereto, China may appoint consular officials at all other ports and places where similar officers of any other power are permitted to reside. Consular officers appointed by China shall conduct themselves in accordance with established rules and precedents, and Spain agrees to accord them the same treatment granted to officers of other powers in Cuba.

Spanish officials in Cuba will assist, to the extent of their power, the consul-general, consuls, vice-consuls, and similar officers whom the Government of China may appoint, in order that they may accomplish the object of their mission and secure protection for Chinese subjects in that island.

VII. It is agreed that Chinese in Cuba may leave the island and proceed to other parts at their own option. But criminals awaiting trial are not included in this stipulation. Arrangements will be perfected, consistent with the privileges accorded in the third article of this convention, by which Chinese residents in the island may travel at will and engage in business. These arrangements will be made either by the secretary of state for Spain, acting in conjunction with the Chinese minister to Spain, or by the local authorities at Havana, in conjunction with the consul-general for China at that port. They shall secure to Chinese subjects the privileges accorded by this convention, which declares that they shall receive the most favorable treatment accorded to the subjects of the same class of other high powers. But inasmuch as the arrangements to be made must conform to local police regulations, including all police regulations, hereafter made, it is agreed that the local Spanish authorities shall furnish each person with a permit to travel which shall be in style and form the same as those furnished to subjects or citizens of other nations.

VIII. Chinese subjects who may have occasion to appear in the Spanish courts of justice in Cuba, either to support or defend their rights, shall, whether appearing as plaintiffs or defendants, enjoy the same rights and privileges as are accorded to the subjects or citizens of other powers. Chinese subjects having business in the courts of justice may employ legal advice and interpreters in their behalf, either Spanish or foreign, and they shall be permitted either to employ such assistance personally or to request the Chinese consular authorities to secure it for them. But the persons employed by them must be such as are authorized by the laws of Spain to practice in the courts.

As there are those among the Chinese now resident in Cuba who, prior to the exchange of the ratifications of this convention, have made complaint of grievances, it is permitted to them to bring their suit before the Spanish courts for redress, and these courts will hear each case and administer strict justice in the same manner as is permitted to subjects of other powers.

IX. The consul-general to be appointed by the Government of China to reside at Havana shall at once, in conjunction with the local authorities, establish regulations which shall provide for the suitable registration of all Chinese subjects now in Cuba or who may hereafter proceed thither. These books of registration shall be kept in the office of the consul-general. Each person shall be furnished by the consul with a certificate of registration, which shall be exhibited by him at each city, town, or plantation to which the bearer may go for inspection.

The local authorities in Cuba shall at once furnish the Chinese consular officers with a list of the names of all Chinese subjects resident in any part of the island, and shall devise suitable facilities to enable the Chinese consular authorities to proceed to

the cities, towns, and plantations of the island, in order that they may personally examine into the actual condition of such Chinese as are held to labor under contracts.

X. Vessels of any power which may be desirous of embarking Chinese emigrants shall, in addition to complying with the requirements of this convention, obey the regulations of their respective governments, in order to avoid lack of suitable accommodations or medical care of the sick on shipboard. Any vessels which may fail to comply with these two classes of regulations will not be allowed to embark emigrants.

XI. It is to be feared that among the Chinese now held to contract labor in Cuba are some persons who have been hitherto either students or officials in China, with their families. The Government of Spain, as an expression of its commiseration, and from sincere friendship and amity, desires to return all persons of these classes from Cuba to China, at its own expense, which will be done after the exchange of the ratifications of this convention. The Chinese consul-general and consular officers will, however, inform themselves as to the particulars in each case, and communicate them to the local authorities. Thereupon the said authorities will make a particular examination, and if the facts in each case are found to be as reported, they will cause the parties concerned to be returned to China.

Chinese subjects now held to contract labor in Cuba who are incapacitated by age from work, and Chinese orphans and widows who may desire to leave the island and return to China, will be sent home, at its own expense, by the Spanish Government.

XII. Among the Chinese laborers now in Cuba, whose term of contract has expired, in case the original contract contained language binding their employers to return them to China, the Government of Spain will cause the said employers to comply with its terms.

Among the Chinese laborers now in Cuba, are those whose original contract has been completed, but which did not specify that the laborers should be returned to China.

As it is to be feared that some persons in this class have not means wherewith to meet the expenses of a passage home, the Cuban local authorities will, in concert with the Chinese consular officers, devise suitable measures for their return.

Chinese laborers now in Cuba whose term of labor has expired, shall, after exchange of ratifications of this convention, be furnished with a certificate that their terms of labor have been completed, and shall be entitled to all the privileges stipulated in Article VII. They shall be at liberty to continue to reside in the island or to leave it for other parts.

XIII. In case the local authorities of the island of Cuba shall at any time find such excessive accumulations of Chinese in any part of the island as to endanger the peace and good order of the locality, the given authorities will take measures to prevent Chinese subjects from proceeding thither, and will inform the consular officers that Chinese are not allowed to dwell there, in the same manner as is provided for the subjects of other powers.

In circumstances of this sort, the provisions of Article VII which give Chinese subjects the right to go and come at will, will be inoperative.

XIV. Chinese laborers in Cuba whose contracts have not been fulfilled, will be required to complete their terms of labor according to the specifications of their engagement. In all other matters, regarding passports, liberty to go and come at will, Chinese who have recently arrived in Cuba shall be entitled to all the privileges and protection accorded to those whose contracts have been completed. All Chinese laborers now detained in the several labor depots in Cuba will, upon the exchange of ratifications of this convention, be at once released, and the passports and other papers to which they are by the terms of this convention entitled, will be issued to them. They will in all cases be accorded the same treatment as is given to the same class of laborers in their localities. Criminals whose cases have not been decided will, however, be held in custody to await trial.

XV. If, in future, the Governments of China or Spain desire a modification or the withdrawal of any of the stipulations contained in this treaty, notice must be given at least one year in advance, of the desire to open negotiations to that effect.

In case China shall, hereafter, grant any concessions or privileges in the matter of Chinese emigration, not given in this convention, to any other powers, such privileges and concessions shall also be enjoyed by the Government of Spain.

XVI. The present treaty shall be ratified by their Majesties the Emperor of China and the King of Spain, and the ratifications exchanged at the capital of China within a period of eight months from its date, or sooner if possible.

Done at Peking, in duplicate copies in French, Spanish, and Chinese, each copy being signed and sealed by the high authorities delegated, this seventeenth day of November, in the year of our Lord one thousand eight hundred and seventy-seven, being the thirteenth day of the tenth moon of the third year of Kwang Hsu.

[Inclosure 2 in No. 380.]

*Mr. Seward to Prince Kung.*

PEKING, December 3, 1877.

SIR: I have had the honor to receive your imperial highness's dispatch, informing me that a treaty, in regard to Chinese emigration to Cuba, and the privileges of Chinese in that island, has been concluded between your government and the minister for Spain, Señor de España.

I beg leave to tender to your imperial highness my congratulations on the settlement thus reached of the questions of grave importance involved, and in which, as your imperial highness is aware, my government has felt much interest.

I shall at once transmit a copy of your imperial highness's dispatch and the treaty to Washington, and shall call the attention of the Secretary of State to your request for the continued good offices of our representatives in Cuba.

I have, &c.,

GEORGE F. SEWARD.

No. 79.

*Mr. Seward to Mr. Evarts.*

No. 398.]

UNITED STATES LEGATION,  
*Peking, February 7, 1878. (Received April 19.)*

SIR: In view of the decision of the Chinese Government to take no steps for the establishment of a mint and a currency, I have thought the moment opportune to inquire of our consuls whether the trade-dollar is coming into circulation, and whether any official action may be taken which will increase the demand for it. I inclose the form of a letter which I am addressing to them.

You will notice that in my letter to the officer at Canton, I point out the fact that an official assay of the coin mentioned, made at his port in 1873, did not produce a correct result, and ask whether it is desirable to request another assay. The Canton assays are accepted by the customs at other ports, and the matter seems important under these circumstances. In point of fact, however, foreign coins are not imported for use at their bullion value, but to be put into circulation at the higher value which their convenience for circulating purposes creates. I have understood that the trade-dollar sometimes commands two or three per cent. premium at Canton, but it has not come into circulation, so far as I have heard, elsewhere.

At Shanghai, in 1876, the singular spectacle was seen of Mexican dollars ranging in value, in the local currency, from 72.6 per cent. of the tael, to 82.5 per cent., a fluctuation of 10 per cent. between silver in the form of dollars, and silver as bullion. A more pertinent commentary on the fact that the Chinese would appreciate a coinage system could not well be offered.

I have, &c.,

GEORGE F. SEWARD.

[Inclosure 1 in No. 398.]

*Mr. Seward to Mr. Stahl.*

No. 107.]

FEBRUARY 5, 1878.

SIR: Please be so good as to inform me whether the trade-dollar has come into circulation at your port; if so, to what extent, and whether official action may be taken which will be likely to create or increase demand for it.

I am, &c.,

GEORGE F. SEWARD.

Same sent, *mutatis mutandis*, to consuls at Amoy, Foochow, Ningpo, Chinkiang, Hankow, Neuchwang, and Tientsin.

[Inclosure 2 in No. 398.]

*Mr. Seward to Mr. Lincoln.*

No. 31.]

FEBRUARY 5, 1878.

SIR: By an assay made at your port in 1873, the trade-dollar was declared to be 8961 fine, and 111.9 taels weight of them to be equal in value to 100 taels Haikwan (or pure) sycee. In point of fact, however, the trade-dollar is 900 fine, and 111.11 taels weight of them should be equal to 100 taels Haikwan sycee. By the same assay 100 trade-dollars were found to weigh 72 taels 6m. 8c. The Haikwan tael is declared to weigh, however, 1 oz. 4 dwts. 3 <sup>3</sup>/<sub>4</sub> grains, or, say, 579.84 grains. The trade-dollar weighs 420 grains, and its weight by the Haikwan standard should be 72.43.2 taels.

Please be so good as to inform me whether, looking to the facts recited above, and to the course of exchange and any other considerations which may be involved, it is worth while for us, in your opinion, to ask for another assay of the trade-dollar.

Please advise me also whether any official action may be taken which, in your opinion, will tend to increase the demand for trade-dollars in this country.

I am, &amp;c.,

GEORGE F. SEWARD,

No. 80.

*Mr. Seward to Mr. Evarts.*

No. 401.]

UNITED STATES LEGATION,  
*Peking, February 8, 1878. (Received April 19.)*

SIR: I have the honor to recur to the matter mentioned in my dispatch No. 394, of the demand of the authorities at Shanghai for the removal of the Shanghai-Woosung telegraph, and to hand you herewith a copy of the letter from the intendant at that port to the Danish consul, advancing the demand.

This matter has been formally presented to the diplomatic body by Mr. Butzow, minister of Russia, who is charged with the care of Danish interests in this empire, and the several ministers agreed to write to their consuls as indicated in a letter which I am sending to our officer, a copy of which I inclose.

You will notice upon perusal of the letter that I recite to the consul-general briefly the facts as I understand them, and request him to aid his Danish colleague in efforts to continue the *status quo* until the business has been disposed of by the parties concerned.

I have, &amp;c.,

GEORGE F. SEWARD.

[Inclosure 1 in No. 401.—Translation.]

*Intendant Lin to the Danish Consul.*

SHANGHAI, January 1, 1878.

Lin, superintendent of the Kiangnan customs and intendant of Soo-Lung circuit, &c., makes this pressing communication in accordance with orders received.

His excellency, Shen, the superintendent of trade for the southern ports, has sent me an order to the following effect: "The Great Northern Telegraph Company having (without permission) put up telegraph posts on the land from Woosung right up to Shanghai, orders were sent in August and September, 1874, to the Tao-t'ai to press the consul to prohibit it. A communication has subsequently been received from the board of foreign affairs, and the Tao-t'ai was again ordered to act accordingly.

"Several years have now elapsed, and the Danish consul has not yet removed the telegraph posts, which is unreasonable delay.

"The Tao-t'ai is ordered accordingly to press the Danish consul to pull up and remove the telegraph posts quickly, and report in reply."

On receipt of the preceding it behooves me to make this communication to the honorable consul, and request that you would, in accordance therewith, order the telegraph company to pull up and remove the telegraph posts with haste, and still await your reply, so that I may report on the matter.

True translation.

[Inclosure 2 in No. 401.]

*Mr. Seward to Mr. Stakel.*

No. 111.]

PEKING, February 7, 1878.

SIR: I have learned from the Russian minister, who is charged with the care of Danish interests, that the Chinese authorities at your post demand the removal of the Great Northern Telegraph Company's wires between Woosung and Shanghai.

The Woosung-Shanghai telegraph was constructed several years ago to connect the company's sea-cable with their office at Shanghai. Objections were raised by the Chinese authorities at the time, but it ceased upon representations made to them that the poles stood on foreign-owned ground (that of the Woosung Road Company, over which the railway was afterward constructed); that the line was of much utility and concern to foreigners; was used by their own government, &c.

It is understood that the railway company, in selling their property, made no reservation of privileges in favor of the telegraph company.

The Danish consul, in responding to the demand made upon him, seems to have rested his argument upon the fact that the Chinese Government informed the Danish minister, General Raasloff, in 1875, that they would request their provincial officers to protect the lines of the company. It would appear, however, that this intimation had reference to the company's cables, which alone were the subject of discussion.

My colleagues and I, in considering this matter at the request of the Russian minister, have not failed to take a lively interest in it. The given telegraph forms, with its connection, the only line which unites the great port of Shanghai with South China, Japan, and western countries generally. Refusal to allow the wires to be carried over the given route between Shanghai and Woosung would seem to imply refusal to allow to be carried over any other route between the same places, and to condemn the company to put down a cable in the river, which, owing to the shallowness of the stream, and its constant use by vessels of all kinds, would be subject to frequent interruptions. It is not known that the Danish company has failed to deal liberally with any interest, or that any political objections to its operations have been raised.

You are authorized, therefore, to consult about the matter with your colleagues, whenever called upon by your colleague the Danish consul, with a view to preserve the *status quo* of the line until the questions involved can be disposed of in the course of negotiations, which will be undertaken, doubtless, by those charged with the care of Danish interests.

I am, &c.,

---

No. 81.

*Mr. Seward to Mr. Evarts.*

No. 402.]

UNITED STATES LEGATION,  
Peking, February 9, 1878. (Received April 19.)

SIR: On the 19th December last I had the honor to address a letter to you in regard to a representation made by the Shanghai Chamber of Commerce that the harbor at Shanghai, and the approaches to it, are deteriorating, partly in consequence of natural causes and partly of the encroachments made by building wharves, depositing ballast in the stream, &c., and expressing my opinion that the subject deserved careful attention, and can best be dealt with by establishing a system of harbor control, and by securing the appointment of an engineer, to whom shall be committed the larger question of river conservation.

In pursuance of the views then expressed, I draughted a code of rules for the harbor, and submitted them to my colleagues, by whom they were accepted, and who agreed that it would be wiser to ask the inspector-general of customs to place them before the government than to do so ourselves.

On the 31st ultimo the foreign office communicated to the members of the diplomatic body the rules so agreed upon, with a dispatch setting forth the fact that they had been proposed by Mr. Hart, and asking the

foreign ministers "to instruct their consuls to observe them." I inclose a copy of this communication.

Yesterday my colleagues met to consider the answer which should be made to the foreign office, and, somewhat to my surprise, the point was raised that the letter of the foreign office is objectionable, since it evinces a disposition to deal with the matter as if by right of sovereignty, and to ignore the fact that the rules can be made of binding force only by the conjoint action of the government and the several members of the diplomatic corps. It was pointed out in particular that the form of preamble adopted by the diplomatic body was omitted from the rules, and that this was significant, since it contained an indication that the rules must be a joint issue. I say that this was a matter of surprise to me, for while I recognize the fact that the rules can be given full effect to only with the assistance of the foreign authorities, there is, as I think, no reason to believe that the preamble was intentionally omitted; and, on the other hand, the fact remains that the foreign office has communicated the rules to us, and requested us to give them sanction by transmitting them with appropriate instructions to the consuls at Shanghai.

It may be said, moreover, that the government may of right expect the co-operation of the foreign authorities in such matters, and would have just cause of complaint against them in case of their refusal.

After considerable discussion, in which I urged that it was desirable to act with care lest the whole business should fail, the subject was left open for further consideration.

I need not say that I shall be much disappointed if, after so fair a beginning, the measures demanded from Shanghai shall not be accomplished.

I have not lost sight of the larger question, that of the conservation and improvement of the approaches to Shanghai. I had hoped that it might be possible to procure the appointment of an engineer to examine the Woosung Bar, &c., but I find that I cannot commit Mr. Hart to undertake so large an expenditure out of funds at his disposal, and that it is not likely that the foreign office can be prevailed upon to make a special appropriation for the purpose. Under these circumstances, I have been compelled to fall back upon a proposal to submit reports heretofore made upon the bar and river, showing a wide range of opinion, to the best authorities in England and elsewhere for a statement of their views and conclusions.

The proposition was brought by me before my colleagues at our meeting of yesterday, but it did not appear to meet their approval, chiefly, as I judge, because it seemed to them an inadequate step. I could not but remark, however, that no other proposal was advanced. I shall urge it again at our next meeting.

I have, &c.,

GEORGE F. SEWARD.

---

[Inclosure in No. 402.—Translation.]

*Prince Kung to Mr. Seward.*

Prince Kung, chief secretary of state for foreign affairs, herewith makes a communication:

Upon the 9th January, 1878, a letter was received from Mr. Inspector-General Hart, setting forth that, of the various treaty ports, Shanghai is by far the most important, both as being the point of collection of the merchants and people of all nations; the place at which merchandise of all classes, whether for export or import, concentrates;

and where ships from all parts of the world congregate, and to and from which they come and go continuously.

The Hwang-pu River, upon which Shanghai is situated, is not a large stream. Hitherto, jetties and other works have been constructed at all points along the banks of the river opposite the city and in the foreign concessions. The channel, because of its being narrowed in this way, and also by reason of earth, sand, and stones being discharged into it, has by degrees become shallower. The effect thus already produced is not light. In order that in the future the harbor may not further deteriorate, some satisfactory plan of conservation should be devised.

By the determination of a plan to which those concerned may conform, and the establishment of regulations to be observed by the merchants and people, can the protection of the harbor alone be permanent, and the desired end be obtained. If the depositing of stone, sand, and earth within the harbor limits can be prohibited for the future, and if limits can be fixed upon both banks of the river within which it shall not be allowable to build jetties and similar works, it would seem that the protection of the river against further deterioration from these causes would be secured.

The protection of the harbor in all its branches should be committed to the harbor-master by virtue of his office. But in committing it to him, as it affects the interest of both the Chinese and foreigners, the *modus operandi* should first be communicated to the Chinese local authorities and the consular authorities, in order that no difficulties may be met by the harbor-master in carrying the project into execution, and in order that where joint action is necessary such joint action may be had. Hence, it seems best to communicate in advance the regulations which ought to be observed in this business, in order that provision may be made against difficulties which otherwise might arise at the moment of putting them into operation.

A draught of seven rules was forwarded with Mr. Hart's communication.

I have the honor to observe that the several points presented by Mr. Inspector-General Hart have for their object the conservation of the harbor, a matter of great interest to merchants and people. It becomes my duty to forward to your excellency a copy of the proposed regulations, and to request that you will instruct your consuls of the several ports (sic) to observe them, and that you will favor me with an early reply.

His Excellency GEORGE F. SEWARD,  
*g.c., g.c., g.c.*

PEKING, January 31, 1878.

---

No. 82.

*Mr. Seward to Mr. Evarts.*

No. 411.]

UNITED STATES LEGATION,  
*Peking, February 23, 1878. (Received May 3.)*

SIR: I informed you on the 9th instant that the foreign office had sent to the several foreign representatives the Shanghai harbor rules, and that objections had been made on the part of the latter, that the note transmitting them was not in a desirable form. After much discussion among the foreign representatives, the senior minister placed the matter before the foreign office, and the ministers agreed to withdraw the earlier notes and substitute others which would be satisfactory. They did this at once. I hand to you herewith a memorandum by Mr. Holcombe, showing the change effected in this way.

I have already announced to the foreign office my approval of the rules. I presume that my colleagues have done the same, or will do so at an early moment. I have also prepared an instruction for the vice-consul-general, a copy of which I inclose.

The question in regard to the harbor rules having been thus disposed of, I have prepared and submitted to my colleagues a memorandum on the subject of river conservation, a copy of which I inclose.

It will receive, as I hope, early consideration, but I cannot yet venture an opinion as to the conclusions which will be taken.

I have, &c.,

GEORGE F. SEWARD.



[Inclosure 1 in No. 411.]

## HARBOR RULES FOR SHANGHAI.

*Memorandum of changes made by Prince Kung, in his dispatch of January 31, 1878, submitting the rules to the diplomatic body.*

A.—In the last sentence of the covering dispatch, after the words, “and to request that,” the clause, “if they meet your approval,” is inserted.

B.—The preamble to the rules was omitted both from the original and the amended dispatches.

CHESTER HOLCOMBE.

PEKING, February 23, 1878.

[Inclosure 2 in No. 411.]

*Mr. Seward to Prince Kung.*

PEKING, February 22, 1878.

I have had the honor to receive your imperial highness's letter, of January 31, transmitting to me a code of proposed “Rules for the conservation of the harbor at Shanghai.” These rules have my perfect approval, and I will instruct the consul-general to afford the harbor-master cordial support in giving effect to them.

I have, &amp;c.,

GEORGE F. SEWARD.

[Inclosure 3 in No. 411.]

*Mr. Seward to Mr. Stahel.*

No. 113.]

PEKING, February 23, 1878.

SIR: The inclosed rules for the care of the harbor at your port, having been proposed to the foreign representatives by the foreign office, have received my approval. I have to request, therefore, that you will give to the harbor-master cordial support in carrying them into effect.

As the rules will be notified by the inspector-general of customs, there does not seem to be occasion for you to publish them.

The question of the conservation of the river and the improvement of the bar is likely, as I hope, to be taken up at an early moment. It is one in which, from my long experience at Shanghai, I feel especial interest, and which I shall not willingly let drop.

You may communicate a copy of this note to the chairman of the chamber of commerce, requesting him, however, to consider that it is not open for publication.

I am, &amp;c.,

GEORGE F. SEWARD.

[Inclosure 4 in No. 411.]

## MEMORANDUM.

The chairman of the Chamber of Commerce of Shanghai in the letter addressed to the foreign ministers, on the 7th of August last, said:

“Responsibility to adopt the necessary measure for the preservation and improvement of the approaches to this port is imposed upon the Chinese Government, not only by a due regard for the interest of the country generally, but also by its implied obligations, under the treaties with foreign powers.”

He also said, speaking of the bar at Woosung:

“This question is one among many concerning the water-ways of Shanghai, the determination of which properly devolves upon special functionaries to be appointed by the Chinese Government, whose business it would be to decide upon and provide the most efficient means of protecting the navigable channels of the port and maintaining free access to it for vessels of all draughts.”

And further:

“I am to express the earnest hope of the chamber, that the diplomatic body will take advantage of every opportunity to impress upon the Tsung-li Yamén the importance of organizing without delay a board of conservators.”

It may be presumed that the Chamber meant to indicate to the foreign representatives that the “special functionaries” mentioned in the second extract from the letter should

be under the orders of the board of conservators, which board should be invested with a general concern in and control of all matters pertaining to "the most efficient means of protecting the navigable channels of the port."

It is likely that the chamber had in view the constitution of a board in which foreign officers would take a part, say members of the consular body. It would seem, however, unlikely that the Chinese Government would be at all willing to consent to this. They are not only jealous of their proper rights, but are becoming sensitive to any proposal which may in any degree seem to invade or trench upon them. It is probable that the consular body could as such, in the usual course of its functions, exercise as much influence as would be appropriate, or, at least, acceptable to the Chinese.

A board of conservation constituted of native officers only would certainly not prove satisfactory. It might be possible, however, to establish a board consisting of native officers and of foreigners in the Chinese service. Granting that this would be as satisfactory a solution of the question as could be secured, it would seem that it would be somewhat difficult to approach the government with the proposition. It is one which appears simple enough to foreigners, but it would involve the issue of orders to the provincial authorities of a novel sort; it would look to the expenditure of money, and, altogether, would be likely to fail.

But even if successful it could only be so upon the basis of a very positive recognition of the status of the native officers upon the board, and this would give to the element which is least likely to recognize the need of grappling with the business in a serious way, the preponderating influence. The board so constituted might almost be expected to defeat the purpose for which it was created.

Looking to the considerations thus advanced, it has seemed to me that the business may be best approached in another way. A representation could be addressed to the government on the subject of the danger which is arising to their port, and the request made for the appointment of an engineer to examine into the matter. This engineer could be placed under the orders of the inspector-general of customs. Associated with the intendant of circuit and the commissioner of customs, a board could be constituted which would answer, practically, to the recommendation of the chamber of commerce. It would be one, moreover, in which the foreign and not the native element would prevail. It would be open to receive the advice of the consular body or the chamber of commerce; it would report to the government, as is desirable, through the inspector-general on the one side and the provincial authorities on the other.

If the effort to secure the appointment of an engineer should fail, a step might perhaps be taken by requesting the government to consider whether it would not be well to take the opinions of the best European engineers on the general subject of the condition of the river, and the occasion for measures of conservation or improvement.

I submit the foregoing suggestions as a basis for a discussion of the business, and with the belief that nothing can be accomplished, excepting in the usual course of quiet diplomatic representation. We are not in position to make any demands, and are not likely to be so authorized by our governments.

GEORGE F. SEWARD.

PEKING, February 23, 1878.

---

No. 83.

*Mr. Seward to Mr. Evarts.*

No. 412.]

UNITED STATES LEGATION,  
Peking, March 4, 1878. (Received May 3.)

SIR: Recurring to the representation made by the Chamber of Commerce at Shanghai, in August of last year, to the foreign ministers resident at this capital in regard to the dangers which are threatening the port of Shanghai in consequence of changes which are taking place in the approaches to the port, and at the port, and to my dispatches, numbered 364, 371, 402, and 411, I have now to hand you a copy of a dispatch which I am addressing to the consulate-general. Upon perusal of this letter, you will observe that it gives to Mr. Stahl the result reached by the diplomatic body in our discussion of the memorandum dated February 23, which I transmitted to you in my last-mentioned dispatch. This was an agreement in effect to request the consuls at Shanghai to report further on the matter of the condition of the ap-

proaches to Shanghai, after consultation with the harbor-master, and to send to the respective governments data in regard to the same matter, with a request that these be submitted to competent engineers for their opinions on the question whether the apprehensions felt at Shanghai have a real basis.

I have instructed Mr. Stahel in the sense of this agreement, asking him at the same time to transmit to you the report made by certain Dutch engineers to the consular body about two years ago. This report, with charts and other papers available to the Navy Department, or such other department as the matter may be referred to, will enable the officers chosen for the duty to give an intelligent opinion upon the question submitted.

I trust that you will be disposed to make the necessary reference of the matter. The subject is one of great importance to commercial interests in this part of the world, and I imagine that the engineers consulted will find no difficulty in declaring that the situation calls for the prompt attention of this government.

I trust also that in such case you will instruct me to proceed with my colleagues to place the matter in its proper light before this government.

I have, &c.,

GEORGE F. SEWARD.

[Inclosure in No. 412.]

*Mr. Seward to Mr. Stahel.*

No. 115.]

MARCH 4, 1878.

SIR: I beg leave to hand to you herewith a memorandum which I submitted to my colleagues a few days since. It had reference to the letter transmitted to the several foreign representatives here, on the 7th of last August, by the chairman of the chamber of commerce at your port. Those parts of the letter which relate more particularly to the condition of the harbor proper having already received attention, I advanced the memorandum in order to bring forward the questions regarding the approaches to Shanghai raised by the chamber.

Since placing the memorandum in the hands of my colleagues, I have discussed with them the situation at Shanghai, and have agreed to the following propositions:

1st. That the consuls shall be reminded of the tenor of the seventh rule of the code of harbor regulations recently sent to you, and requested to concert measures with the harbor-master looking to a representation to the high authorities here, of the danger that is threatening the port in consequence of the deterioration of the approaches to it.

2d. To transmit to our several governments all available data in regard to the approaches to the port, in order that they may be submitted for the opinion of competent engineers, with a view to determine whether the condition of the river is such as to call for a vigorous representation to this government.

I beg leave, therefore, to ask you to place yourself in communication with your colleagues for the purpose indicated under the first head. I may say to you, however, that I doubt whether any action can be taken in this way, which will add much weight to the very full representations heretofore sent up, and that, while expecting that you will give to the subject your best attention, I shall be satisfied if I receive from you a statement that after consultation with your colleagues and the harbor-master, you agree in the opinion advanced by the chamber of commerce, that there is danger "that the narrowing and shallowing of the river is tending to render Shanghai inaccessible from the sea"; that the questions involved properly concern this government, and that it should appoint special functionaries, whose business it would be to decide upon and provide the most efficient means of protecting the navigable channels of the port, and maintaining free access to it for vessels of all draughts.

I have to ask you, also, to procure and transmit to the Department, making reference in doing so to the number of this dispatch, a copy of Messrs. Escher and De Ryke's "Report upon the Woosung Bar," published at the North China Herald Office, in 1876. Various charts and documents are referred to in this report. I do not think it necessary to forward any of these, but I shall feel obliged if you will examine the register of my correspondence from Shanghai with the State Department, and give

the numbers of all dispatches which deal with questions of river conservation, the bar, &c. If, however, an examination of these dispatches and of the subject generally, leads you to think that any charts or papers necessary to an intelligent examination of it are available to you which may not be available at Washington, please be so good as to forward such.

I am, &c.,

GEORGE F. SEWARD.

No. 84.

*Mr. Seward to Mr. Evarts.*

No. 422.]

UNITED STATES LEGATION,

*Peking, March 14, 1878. (Received May 16.)*

SIR: It became my duty last year to inform the Department of the distress caused in parts of North China by the failure of seasonable rains. The story was a very sad one, but it would seem that a sadder one may be told of distress now prevailing over a wider area as a result of a further failure of rain.

The district now affected comprises the province of Shansi, parts of this province (Chihli), and of Shantung, Shensi, Honan, Szchuen, and Kansu. It is safe to say that high prices for food, causing more or less distress, prevail among a population of about sixty millions of people, and that actual famine is pressing upon districts aggregating a population of ten or fifteen millions.

It would be idle to attempt to give a detailed statement of the districts in which the suffering is more severe, or to offer an opinion as to the loss of life which must result. It is enough to transmit to you sundry extracts from the Shanghai newspapers and extracts from private letters in my hands reciting the main features of the information which has been received.

It is one of the most pitiable features of this famine that there is an abundance of food in the country, and that it is only the lack of transportation which is the cause of so much misery. The crops have been good in the districts surrounding the stricken region, but as food can be transported only on wagons or pack-animals, it cannot be brought in sufficient quantities to save the lives of the people.

It is due to the Chinese officials here and in the famine districts to say that they appear to feel deeply the misfortunes of their countrymen, and that they have made great efforts, all things considered, to relieve them.

Not a few foreign missionaries have gone into the distressed districts provided with greater or less sums of money subscribed by foreigners, and are distributing relief as they best may. Opium and missionaries have been classed by some of the Chinese as the most unfortunate incidents of foreign intercourse; but the latter have been of late winning golden opinions, and from this time henceforth will be accorded in North China, at least, a position more in accordance with the real merits of their labors. Looking simply to the political aspects of their presence I may say that to-day their withdrawal would be a severe blow to the influence of foreigners and the prospects of friendly intercourse.

A great many refugees have come into this city and into Tientsin. Their presence here is not noticeable, however, but this may be due to the fact that extraordinary efforts have been made to extend relief and to keep beggars out of the streets, and even out of the city. At Tientsin, as you will read in the inclosures, the presence of the refugees has been more noticeable, and there a mat house, set aside for women and chil-

dren, has been burned, and about 1,500 lives lost. I inclose a memorial of the viceroy, dealing with this most distressing incident. You will notice, however, that he carefully avoids an estimate of the dead.

It is possible that the lessons of these two famine years may not be lost upon the Chinese. They know perfectly well that, with adequate transportation, but comparatively few lives would have been lost. In any western country this knowledge would result in an effort to provide the means needed for transportation in any future case of the sort, and I do not doubt that even here the argument will be a powerful one to aid those who are desirous of promoting measures of progress.

I have, &c.,

GEORGE F. SEWARD.

[Inclosure 1, No. 422.]

### THE SHANSI FAMINE.

In former letters I gave a general account of the famine in this province taken from official records, and also some particulars of the suffering in and around the provincial capital, from personal observation. It is my intention now to give some particulars concerning the central and southern part of the province. But the region is so extensive to travel over and the time so brief for inquiry, that the account must necessarily be very incomplete. Yet I have seen and heard enough. It is said that familiarity with suffering makes one less liable to be affected by it. Familiar as many kinds of famine suffering have been to me for the last two years, this last journey southwards made me sick, at least, that I wished I could return with my eyes closed and ears stopped. To see and hear was most painful to endure. I cannot write all. Some things are too horrible to be described except in general terms. But I begin:

*January 28.*—Stopped at an inn 10 miles south. A little before starting, I saw in a street of Fai Yuan Fu a man lying on the road about to die of starvation. The carts became blocked, and people had to go around by another way.

*January 29.*—Forty-five miles south there was a fall of an inch of snow in the night. Saw four dead on the road, and one unable to walk, moving about on his hands and knees; one of the dead was a boy about ten years old, carried by his mother on her shoulder; she was the only bearer, priest, and mourner; she laid him on the snow outside the city wall, and the last sight I got of them was, she standing at some distance off on one side, and a dog watching at some distance on the other.

*January 30.*—Ninety miles south saw two dead, apparently only just dead, and dressed in good clothes; he could not be a poor man. A few miles farther on saw one walking like a drunken man; after passing him I stopped and told my servant to get some cash out to give him; there was a little wind, and while we were getting the cash a puff a little stronger than the rest made him fall; to give him money there was useless, and we could not stay.

*January 31.*—One hundred and thirty miles south. To-day saw fourteen dead by the roadside; a stocking was all one had on; and so light was the corpse a middle-sized dog dragged it about; two of the dead were women. They had had a burial, but it consisted in nothing more than moving them from the road and placing them with their faces downward; that was all. Want or cupidity of the passers-by had dealt kindly with one than the other, for they had left her her clothes. A third was a feast to a score of crows and magpies; one man had snow over him and was untouched—a proof that he had been there three days at least, and that no dogs nor wolves could be near. While the road was thus strewn with the dead, there were plenty of pheasants, fat enough, close by; a fox and a rabbit opposite where the poor woman had fallen; and wild ducks in the river appeared none the worse for the famine. Alas that man should bind himself and others to death by the iron chains of custom. Another painful contrast forced itself on me that day. A lot of magpies were making an unusual din, and some were picking up feathers. When I came up to them I saw one of their number dead. But how many dead men and women have I seen on the road without any weeping except the mother over her child. Yet what most affected me that day was what was said by an old man when we were climbing Ling Shan together. We had just passed a young man dead on the road; then he said in the most touching manner: "Our mules and our donkeys are all eaten up; our laborers are all dead. O, how is it that God lets us poor people die like this?" Saw two wolves in the twilight looking out for the dead. In one village was a notice put up that those who rob and steal shall be put to death without mercy. In another village a notice was put up that it was agreed by the villagers that should any one be "unruly" he should be put to death without mercy. People dare not travel through those hills singly.

*February 1.*—One hundred and fifty miles south. Traveled half a day. Saw six dead, of whom four were women; one in an open field by the roadside, with only a string about her waist. Another was in a river; but the water was not deep enough to cover and freeze over her, so what was exposed was at the cruel mercy of the fowls of the air. Another was half clad in rags, in one of the *ca-fo-houses* which open into the road. Another, half clad and half eaten. Saw what appeared to be two brothers from fifteen to eighteen years old, moving at the rate of men of eighty, each leaning heavily on his staff. Saw a young man carrying his mother on his back. She was far gone—about to breathe her last. On seeing me observing them closely, he begged for a few cash, the first who had done so since I left *Fai Yuan Fu*. The regular beggars are all dead long ago. A mile or two farther on a woman about forty had fallen and was trying to rise, but could not, from her second knee. Saw two heads stuck up in cages, to be a warning to those who rob and steal. Saw hats and shoes here and there along the road, but no dead bodies near, perhaps all that was left between men and wolves.

*February 2.*—One hundred and eighty miles south. Saw twelve dead, all stripped of their clothes, but among them only one woman and two boys. At *Hung-tung Hien* a group of three were lying together. They appeared to be a boy, his father, and grandfather. My servant said he saw several more; but I only state what I saw myself. On the snow we saw marks of a struggle and blood, but no dead body near; yet it was some justification of the warning to men not to travel singly along these narrow defiles. Two more heads hung up in cages on the trees. For some miles a large number of trees, on both sides of the road, as far as the eye could see on a level country, were stripped of their bark to a height of 5, 10, and 20 feet for food. Most were elm trees. There were also groups of several houses, with doors and windows open, and jars and other trifling utensils in them. Their occupants were either gone away or dead; but nothing was touched, for they could be turned to neither cash nor bread.

As a break to this long catalogue of misery, it was delightful to see (for the snow was all thawed here) wheat very extensively sown. Though there be drought elsewhere, they have abundance of water to irrigate here, and they seem to make the most of it. I could see in all the villages along the road considerable quantities of straw, indicating that they had had a good crop of grain; but on inquiry I was told the crop was very promising up to the time when the ears came out; then a sudden flood and mildew destroyed their hopes, leaving them nothing but straw. So, not by water alone, either, can a man live; but by every word which proceedeth out of the mouth of the Lord. This abundance of water for irrigation extended only over ten miles.

*February 3.*—Two hundred and ten miles south. Saw seven dead, not one woman, but there was one old man with gray hairs and one infant just born. Again the trees were barked, but there was no wheat in the ground; but cart-loads of men, occasionally foot-travelers. These were armed, some with a shining bright sword, with a rusty old knife, others with spears and clubs, all with some weapon or other; even children in their teens carried them. Some were glad to keep close to us as we were riding. We did not feel any safer of their company. At *Siang-Ling Hien*, 10 miles south of *Ping Yang Fu*, there were many carts come from *Pu Chon Fu* for grain. There were forty carts altogether. To keep order volunteers are enrolled and paid by the government in that prefecture. This was told me by one of the volunteers themselves who had come to accompany the grain-carts; otherwise, they would be robbed. A woman at *Ping Yang Fu* came up to me in the street and asked me to go into a house. On asking what for, she said there are young girls here waiting to be taken away.

*February 5.*—Fresh ones dead on the road since we passed south two days ago. A mother and her son in the morning; in the afternoon at *Hung Tung Hien*, the dead were actually in heaps on each other. It was here we saw the group of three together a few days ago. To-day three more are heaped together, two women and one boy. On the main street there was a man dead, with the edge of a big stone between his teeth. If he lived could he possibly speak in such plain language? He had nothing better to eat, so he died biting the stone. Others were thrown into the river. One of the innkeepers to-day asked me if I had any medicine to cure the famine fever. It had commenced about the beginning of January.

*February 6.*—Other fresh ones on the road dead, one a young woman, another a middle-aged one. I will not describe. Suffice it to say they had not perished from want, but had been robbed and left to perish from cold. (†) The one I saw a few days ago on her knees was now dead; about a hundred yards off saw two men grinding something very dark. I went up to them; it was millet-husks mixed with old cotton from ragged garments. As coal rises in price, house timber is in demand and people are pulling down their houses and splitting the wood for fuel.

*February 7.*—To-day is the worst of all; we saw abundant proofs of men eating stone or clay. I bought three stone cakes. The stone is the same as our soft-stone pencils. This is pounded to dust and mixed with millet-husks in more or less proportions, according to the poverty of the people, and then baked. It does not look bad, but it

tastes like what it is—dust. The dead to-day number more than any other day. We did not reckon them in returning, but on seeing so many fresh ones we counted them again this afternoon. There were no less than twenty-nine in eighteen miles from Ling Shi Hien northwards, and the circumstances were more frightful, too. In one valley the road branched into two. One might take either side of the stream. Accidentally, I took one and my servant the other. We were in sight of each other though not within talking distance, and it was less than two miles before the road reunited again. On his road the servant saw a woman lying in a ditch after being robbed of all, like others. Although not conscious of any one passing by, yet she moved. Farther on we saw a man's head cut clean off his body; a cruel murderer's deed; and that is not all. We saw among the dead some *wounded* heads, not in such a way as we usually saw done by wolves and dogs and birds. Even the dogs were getting savage; they barked and howled at us when we were driving them away from the dead. Many of the former bodies had disappeared, but their places were more than supplied by fresh ones.

I need not say that we were terribly sick of this horrible journey. If we could give relief wherever we went, then it would be a joy, but, as it was, such scenes as I have not half described and such tales as I cannot venture to do more than hint at, repeated daily, and even several times a day, made me almost afraid to mention the subject. It was like reopening a painful wound to me; but how much more to the poor people themselves.

After being away fourteen days, on the 10th I reached—thank God—Tai Yuan Fu in safety.

The above is what I *saw*. Now I have to give a brief account of what I *heard*. Not that I heard less (it was far more), but I am sure no one cares to read much more of such terrible suffering. I met men from the province of Sze Ch'nan, *en route* for Peking, and they said that the whole way from Feng Hien, in that province, there were dead men on the road, now and then. These men said that snow had fallen in Honan about a foot deep. I met others later who had come from Si Ugan Fu. There about a span of snow had fallen. I met others from Ning Hia, in North Kansu. There grain was cheap and in abundance, but scarcer each step as they came across the northern half of Shan Si. No snow worth mentioning had fallen on their route. The Yellow River, at the pass where they crossed over to Shan Si, on their way to Kiang Chow, had not before been passable by ice since the twenty-fifth year of Tao Kuang (thirty-two years ago), so the poor people have had unusual cold as well as famine to contend with this winter. The soft stone is sold at prices varying from two to five cash per catty, according to distance of carriage. Bark is sold at from five to seven cents per catty at the places where I inquired. The roots of rushes are dug and eaten. This causes the face to swell, and the stone, when taken in large quantities, has the same effect as chalk; people die of constipation. The price of grain is *three or four times* the usual rate, and the price of turnips and cabbages *five and six times*. Flour costs seven, eight, or nine cash an ounce, according to the place at which it is bought.

In every city we passed through they said twenty, thirty, or forty people died there daily. At Ping Yang Fu they said that two "wan jên k'ing" were filled, and that two carts were daily employed in carting the dead. One innkeeper told us that somebody, in three days, had counted no less than two hundred and seventy dead on the road.

The main road goes most of the way alongside the river Fên, and a good deal of the soil can be irrigated on one side or the other, but away a few miles east or west are the hills. The dead there are far more numerous. Whole families, old and young, die in their houses, and there they remain, unburied. At Kiei Hin Hien, in Fen Chow Fu, the innkeeper said that half of the people were either dead or gone away. Those from Lin Kin Hien and I Sz Hsien and Wan Chun Hien, in Pu Chow Fu, said that the number of the dead there was frightful. In one Hien a third were dead already; in another, six out of every ten. In cross-questioning, they insisted that in most of the hien in Pu Chow Fu more than half were dead. Whoever I asked, from Ping Yang Fu, Pu Chow Fu, Kiang Chow, and Kiei Chow (for I met people from all these places, at some inn or other), I did not meet a single man who would admit that five out of ten remained, except that man who spoke of a third dead. The rest maintained that five or six or seven out of every ten were dead, and they gave instances of villages numbering three, four, and five hundred people last year, only numbering one hundred now.

Here in Yang Ku, nevertheless, judging from inquiries made last year, these statements are exaggerations—true indeed of certain places, but not of whole prefectures. But make a liberal discount and say that only five out of ten will remain at the end of the famine (this I fear is discounting too much), what a terrible and unprecedented famine will it be!

Consider the area. Grain is sent to every hien in Pu Chow Fu overland via Hwai-lu, a distance of about 6,500 miles, not to speak of what comes from Manchuria. If it could be obtained at a less distance, from any other direction, of course it would be done; so we have a radius, and can calculate the square miles. The population of Shansi is mostly in the south.

Now let us see what is done for their relief. Passing rapidly through each place, I could not possibly get very accurate information. It is only an approximation in this as in other matters I can hope to give. The lowest allowance I heard of was one hundred cash per month to each person (three and one-third cash per day), and the highest I heard of was three hundred cash per month (ten cash per day). A Wei Yuan told me that this place where ten cash was given was the best he had heard of, too, on his way from Fai Yuan Fu to Kian Chow and back. In many places grain was distributed instead of cash, and between two and three ounces was allowed for each person per day. There may be more given in some places, but I did not hear of full three ounces being given anywhere. Fai Yuan Fu is an exception. In the suburbs there are three large soup-kitchens, where altogether about twenty thousand people go. Food to the value of thirty to fifty cash is given to each adult daily—an abundant supply when the people are at home and earn money too. It is very different with the mass of the whole province. I have not heard of any means devised to enable the people to *provide for themselves*. They trust, or, rather are obliged, to be satisfied, with what is given them directly, and the first and second parts of this letter show with what results.

If what I have written is not enough, let me add that I have heard from several different sources that in many hiens men eat each other. When I said it was hard for me to believe, they were ill-pleased with my incredulity, and supported their statements with so many particulars that I no longer doubt it. I refrain from repeating them. When I inquired the reason for coal rising in price, I was told that none go singly to the coal-pits for it, for they will be stripped of their all, and their beasts, whether horses, cows, mules, or donkeys, eaten up. Among the mountains the people of one village dare not visit another; not only whole families die, but some of the smaller villages perish altogether; and that I hear even here in Yang Kii hien, where the provincial capital is. Houses are turned to sepulchers filled with the dead. I have asked myself more than once, am I among the living or the dead? Snow has not fallen; wheat is not sown; and I have just heard from highest authority that in the southern part of the province some who have money in their hands are dying because there is no grain to be bought.

Grain has been bought in abundance in Tientsin and elsewhere by the governor's agents, but all the beasts of burden in Shansi and the adjoining provinces are not sufficient to carry the grain. When matters have come to such a pass it is a small thing to say that the roads are so narrow in the mountains that half the carriers are obliged to travel by night while the other half travel by day to prevent delay in waiting at the defiles.

All praise to those officials who try so many means with such vigor to relieve these poor people; but it would be hypocrisy and flattery to praise everything. Alas! that there should be officials who will not adopt measures which are known to be of great service in other countries, out of sheer prejudice. The blood of the dead myriads must rest upon their unhappy heads. Though wise measures can afford much temporary relief, all human efforts are, after all, miserable patches. We must look to God and implore Him to have mercy upon us speedily.

A fall of snow would make the rich bring out their hoarded grain. But should it rain to-day, there still remain four months of dire famine and fever for these unhappy people.

So all thanks and blessings be unto those willing hearts who now contribute so generously to their relief.

Yours, very truly,

TIMOTHY RICHARD.

FAI YUAN FU, February 14, 1878.

[Inclosure 2 in No. 422.—Translation.]

### *Memorial of Li Hung Chang.*

Li Hung Chang respectfully requests the imperial attention to a memorial reciting the particulars of a fire at Tientsin, the result of carelessness, by which loss of life was occasioned, recommending certain dismissals from office and other penalties, and asking that censure be visited upon himself.

The memorialist respectfully represents that year after year the province of Chihli has been visited by the calamity of floods or drought resulting in deficient harvests; and that as Tientsin is at the point of intersection of highways from all points of the compass, the collection of people there is excessive.

Since 1871 free soup-kitchens have been opened each winter for the maintenance of famine refugees from far and near, the management of which has been intrusted to the public relief office, which has year by year managed the business without error.

The area affected by drought is larger this year than heretofore, and the number of



poverty-stricken people who have fled to Tientsin for food is beyond all comparison. It became necessary to increase the number of soup-kitchens, and while your memorialist was at Tientsin, he had directed that, with a view to proper supervision, the salt commissioner, Ru Shan, the customs intendant, Li Chaotang, and the territorial intendant, Lin Pinglin, to distribute among themselves the oversight of these kitchens, and had instructed them to select suitable deputies who should be instructed to use due care in all the details of the management.

From the opening of winter to the 1st of January there had from time to time been additional kitchens opened to the number of twelve, at which about 60,000 persons were fed daily. As the numbers of people at these places was so immense, and the number of large temples was limited, it became necessary to build mat sheds upon vacant pieces of ground, within which sheds rice-straw was spread upon the floor, as dwelling-places for the famine refugees.

Your memorialist is now in receipt of a report from the commissioner and intendants named above, in which they state that upon the 6th of January last, at between nine and ten o'clock a. m., a fire broke out at the women's soup-kitchen, outside the east gate, through the carelessness of some person. Ru Shan, Li Chaotang, the local officials, and fire companies rushed with all speed to the rescue. But the weather was exceedingly dry, there was a strong wind, and the mats and straw of which the sheds were composed kindled in an instant. In a moment's time they were entirely consumed. With all haste a large number of the refugees who dwelt within were rescued. The number of those burned to death is not small, but at the moment it is difficult to make an enumeration, &c.

At the consideration of this report your memorialist was overcome with astonishment and horror. The kitchen in question was constructed of mats and straw, within which the poverty-stricken refugees congregated. As the weather was cold the inmates could not avoid having a fire, and by default of careful watching on the part of the deputies the fire occurred.

Although this disaster was so sudden that at the moment human strength was of no avail, still the business of these kitchens is of the greatest importance, and your memorialist had over and over again impressed and instructed the officials to be careful. How ought they then to have added caution to caution in their guardianship!

Since now a large number of persons have been burned to death it is abundantly evident that the deputies were careless and indifferent to an extent without parallel. It becomes the duty of your memorialist to request the imperial assent to the dismissal from the public service, never to be again employed, of the deputies Li Weichang, expectant subcommissioner of salt, and Ling Tinghwang, expectant official.

Li Chaotang was in general superintendence of this kitchen, and he failed in exercising due care; although Ru Shih and Lin Pinglin had not the immediate oversight of the burned kitchen, and the last named, on the day of the disaster, had gone out of town to inspect the river embankments, still they were associated with the first named in the general superintendency of the soup-kitchens, and they cannot be said to be blameless.

Your memorialist must therefore request that your Majesty will order the appropriate board to determine suitable penalties to be visited upon Li Chow Tafig, newly appointed provincial judge of Chihli, and now customs intendant at Tientsin; Ru Shan, salt commissioner, and Lin Pinglin, territorial intendant at Tientsin.

Although your memorialist was at the time of this catastrophe residing at the provincial capital, still its occurrence in the soup-kitchen at Tientsin has filled his heart with fears and self-reproaches, and he begs that the board be asked to pass censure upon him.

In reference to the numbers of those who lost their lives, and of those who were rescued, and as to the origin of the conflagration, stringent orders have been sent, with all haste, for a thorough investigation—the dead are to be decently confined separately; the living are to be removed to another kitchen to receive care; that those who were burned, but not fatally, receive careful and speedy medical aid; and that suitable assistance be rendered to others who may have suffered by the fire—care being taken to avoid fraud. And renewed orders have been sent to the above-named commission, intendants, and their subordinate officers, to exercise all care and diligence in advance in devising means to prevent a recurrence of such a calamity.

All of which is respectfully submitted.

[Inclosure 3 in No. 422.—Translation.]

*Memorial from Li Hung Chang, &c., asking that the closing of all distilleries in the province of Chihli be sanctioned.*

Your memorialist respectfully represents that the price of grain throughout Chihli is continually increasing, because of poor harvests and also because of excessive waste. There are, upon a general estimate, more than a thousand distilleries in the province,

using more than 4,000,000 pounds of grain daily, or from 120,000,000 to 140,000,000 pounds per month. Reckoning two pounds of grain as sufficient to feed one person one day, and it seems that the distilleries in question are daily consuming the food of between two and three millions of human beings. The establishments named are continually buying up and using both the grain grown within the province and that from abroad, with the result that there is a scarcity of food for the people, for although there is no lack of grain brought here from far and near by merchants for sale, the price is not, as usual, moderate. It appears that there is a large number of distilleries in the Yung Ping Hsuanhwa and Shuntien districts, and that those in the Yung Ping and Tsunhwa districts import their own grain in immense quantities, which they purchase in Manchuria. As now the provinces of Chihli and Shansi, being famine stricken, are looking to the grain of Manchuria for food supplies, it is certainly trying to one's patience to learn that the distilleries are controlling that market. A person may abstain from liquor for an entire year, but if he does not eat twice each day, he suffers from hunger. There is an original difference between these two articles of food and liquor.

The distilleries in question are required to pay an annual tax not exceeding a sum total of 30,000 taels (\$40,000), an amount of no importance to the exchequer, while the disaster arising from their consuming the supplies of food for the poor is manifestly great.

Heretofore in years of famine government has forbidden the distillation of spirits, and already in Shansi, in obedience to an edict, the distilleries have been closed. The province of Chihli, being immediately about the capital, is important, and now that the price of food is advancing daily, and the people are in distress, it becomes especially important to shut off non-essentials and to conserve the necessary means of life.

It becomes, therefore, the duty of your memorialist to request that, with the exception of Jehol and Chéngta, where abundant harvests and cheap grain render the step unnecessary, within the province of Chihli, and the metropolitan district, from February 1, 1878, the operation of all distilleries be for the present suspended, in order to relieve the wants of the people. After the receipt of a good harvest, distillation may be renewed under the established tax regulations.

In case this project meets with the imperial assent, your memorialist will issue the interdiction order, with appropriate penalties for illicit distillation, and will instruct local officers to be watchful and just in enforcing the order and in preventing official clerks and constables from accepting bribes for complicity in its violations, and to deal sternly with any cases of extortion or false accusation, using suitable discrimination in their execution of the law, &c.

Approved by an imperial edict.

[Inclosure 4 in No. 422.]

*Extracts from private letters and from newspapers relating to the famine in China.*

[From The North China Daily News, Shanghai, January 12, 1878.]

#### TIENTSIN.

The fate of the hundreds of thousands of Chinese who are brought face to face with death by this terrible famine has come to be a problem too vast for this effete government to grapple with. One may well stand appalled at the proportions which the famine has assumed. It is estimated—and apparently with a fair degree of reliability—that there are 90,000 refugees at Tientsin now, and still they come. There is a large supply of grain both here and at Taku, but I hear doubts are expressed as to there being a sufficient quantity to meet the demand. Much of this grain, too, is in the hands of speculators, and if used for the poor must be bought at a high price.

Ten or twelve soup-kitchens and cake-shops, where millet gruel or steamed corn-bread is served, have been opened in and around Tientsin. A new soup-kitchen, just finished on the 22d instant, ready for its inmates to enter the next day, took fire and burned up early the next morning. All the buildings of the temple in connection with which the mat-sheds were erected were destroyed. This was in the city. Most of the soup-kitchens are a few li distant from the city.

It is reported that at each of these conventicles there were from 70 to 80 deaths on one cold night a few days since—the daily rate being near 30 at each. The quantity of food is reduced to the minimum; they are huddled together in mat-sheds as thick as they can lie on the ground, and it is impossible for it to be otherwise than that multitudes should perish.

The famine, or something else, seems to be having an influence on the troops in the employ of the viceroy. It is said that each *liang-tsz*, or company of 500, is now being

reduced at a monthly rate of *ten* men—all of whom are being sent to their homes in the south.

A letter has just been received from Rev. T. Richard, who is now in Tai Yuenfoo, Shansi, in which he speaks of the famine as being "far more extensive," and the suffering much greater, than in Shantung last year. "I wonder," he says, "if any good people will once more pity their fellows, for the suffering I hear of on all hands is past description." Extracts from various proclamations are also given. One very forcibly shows the present condition of this year by an allusion to each of the preceding four years.

The ascending gradation of which may be feebly represented thus—want, hunger, dearth, emptiness, fullness of distress. Another states that 280,000 *ta*s of silver and 130,000 *tan* of grain have been contributed by different persons, but that this will fall very far short of carrying the people of 78 chow and hsien districts through to the time of wheat harvest.

Another rumor is afloat, that heavy demands have again been made on the banks and pawn-shops of Tientsin in aid of the sufferers, an intimation being made that in contributing consists their happiness. I do not vouch for it.

It is very cold. Much snow has fallen far to the south. We are having dark, disagreeable days, but no snow.

DECEMBER 27.

#### PEKING.

JANUARY 26.—The famine is the great question of the day here. On all hands we hear of the most distressing condition of the people of Shansi, Shensi, North Honan, and South Chihli. A memorial of the governor of Shansi in the Gazette, a few days ago, portrays the picture in most harrowing lines. It is calculated that in that province alone 1,000 are dying daily; that it embraces some five or six millions of people, probably seven-tenths of the entire population and *haisien* of Shansi. In the four provinces the numbers must amount to 9,000,000 or 10,000,000, five times the number threatened with famine in India, the crisis of which is now passed. Tribute rice from the south to the amount of 6,000,000 piculs is ordered to be diverted, at the governor's urgent request, to meet their pressing wants. Money, too, is pouring in upon them. Mr. Richard, of Chefoo, is at the provincial capital in charge of one of the three imperial soup-kitchens, and it would appear that the 2,000 taels he took with him, the residue of the money over from the Shantung famine, with sums since added from home, is being spent in this way. From his great experience of similar distress in Shantung, and the careful and discriminating manner in which the funds placed in his hands were disposed of, we may rest assured he has adopted the best means to reach the largest number at the smallest working expense. A sum of 500 taels remitted by the Shanghai Relief Committee, besides some local sums, were forwarded the other day to him, through one of the native banks, at 3 per cent. discount. The greatest distress is in the south of the province. He informs us that news of the most appalling description reaches him; the dead lying on the roadside, supplying food for the hungry dogs and magpies, and children being boiled and eaten. The distress in Chihli is nearly as bad in some places, and is more easy of access. We hear that several of the missionaries at Peking and Tientsin are prepared to go forth to the work of relief. Subscription lists have been opened in Peking among the missionaries, and donations to this end from \$25 to 50 taels have been subscribed by many of their number. Many refugees are collecting at the capital and at Tientsin, and we have just heard of the dreadful massacre of the innocents there on Sunday morning last, about ten o'clock, when some 2,500 to 3,000 helpless women and children lost their lives by being burned alive. They were encamped in a mat inclosure on the southeast corner outside the city wall. Tickets for 4,000 were issued for the place. The sights, it is said, were something horrible. It is estimated there are 50,000 refugees in Tientsin.

The weather is intensely cold, the minimum at night falling as low as 3° above zero, and during the day to 21°. Many must die from cold, accelerated by insufficiency of food, and many from diseases following in the wake of famine.

JANUARY 12.

[From the North China Daily News, Shanghai, January 24, 1878.]

Li Hung-chang, governor-general of Chihli, &c., memorializes reporting the amounts which have been raised as contributions toward the requirements of famine-relief in that province, under the regulations to which the imperial sanction has been given. The contributions collected up to the end of April last have already been reported (see Gazette of June 30, 1877); and the following statement now remains to be made of the amounts additionally collected, viz, in silver, *ta*s. 52,115.4.0.1, in Tientsin nominal

cash, computed at 3,500 per tael, tls. 11,753.9.3.8; in maize, pls. 5,690.5.4, equivalent, at the rate of tl. 1.8 per picul, to tls. 10,115.1.8.0; in Barbadoes millet, pls. 711.1.6.5, equivalent, at the rate of tl. 1.5 per picul, to tls. 1,066.7.4.7. The aggregate amount is tls. 75,050.2.6.5 (in addition to the tls. 214,344.7 collected to the end of April); and the whole is accounted for under the head of contributions supplied to meet the requirements of the famine expenditure dating from 1876. Lists of the contributors are submitted, with requests for the issue of appropriate rewards.

---

[From the North China Daily News, Shanghai, January 25, 1878.]

#### TIENTSIN.

The holidays have passed very quietly, and I ought to say pleasantly, too, I think—a quiet pleasure, which after all brings more real enjoyment than those which are mingled with great excitement. The only matter of note was an entertainment given by the minstrel club of Her Majesty's ship *Midge*, last evening. The farces of "Box and Cox" and the "Mischievous Monkey" were very well rendered, songs and other performances filling up the evening, and greatly amusing the audience till almost midnight. The proceeds of the entertainment were intended to go to the "Famine Relief," but I have heard it said that some of the community refused to attend if anything was given to the Chinese, and so the funds may be diverted from this object. It is a great pity if such an unworthy feeling exists, and it does not seem possible that it can represent the general sentiment. The feeling of the community on the subject of relief is now being tested by a circular issued by the committee of last year (Rev. C. A. Stanley, chairman, and Rev. J. Lees, treasurer), soliciting funds to be used in sections where government aid is not given. It is to be hoped the result may show that such a feeling as is indicated above does not exist, or, if it does exist as an excuse for not doing a duty, may it be shamed into concealment as unworthy of a manly character.

About ten o'clock yesterday morning (7th) a fire broke out among the mat-sheds in one of the relief yards just outside the southeast corner of the city wall. A strong northeast wind was blowing at the time, and scarcely an hour passed before the sheds were all burned, and between 2,800 and 3,000 women and children were suffocated or burned to death. As correct an estimate as I can get gives the number of inmates as 3,000, of whom only a little over 100 escaped.

The location of this soup-kitchen was unfortunate. On the east side was the city ditch, on a part of the south and west sides was an ice-pit, while houses lined the remaining sides. In addition, it was surrounded by a strong fence of kanliang stalks plastered with mud, in which there was only one gate. And it is said that on the bursting forth of the flames the gatekeeper locked the gate and ran away. Many of the Chinese showed much courage in trying to render assistance, as testified by an eye-witness, who, passing just at the time, hastened to do what he could in tearing down the fence and rendering other services. He speaks of the scene at that time as terrible beyond description. The scene presented after the fire had done its work was ghastly and horrible, and the picture of it rises before my mind as one that can never be effaced. The contortions of the features, the position of the body, hands, limbs, mouth, and eyes, the same as when the flame and smoke overtook them, reminded one of the descriptions of Pompeii. Had the gate been left open, probably many more might have made their escape, but so rapidly did the flames spread through the mat-sheds, and in the straw and mats spread on the ground as a protection against dampness, that before an opening could be made in the fence, few even were left to linger on in suffering.

How the fire originated no one seems to know—a spark, possibly, from the range where at the time the millet was cooking.

A very extensive fire occurred on Saturday night in the northwest suburb, the particulars of which I have not heard. It is very cold; at eight o'clock this morning the mercury stood at 7°.

JANUARY 8.

---

[From the North China Daily News, Shanghai, January 26, 1878.]

We publish elsewhere two letters regarding the famine in the north of China, which bear out the most extreme statements that have been made regarding that calamity. One is from Père Aymeri, quoting the substance of letters that have reached him from Shansi, Shensi, and Honan; the other from Mr. Richard, who is at Tai-yuen-foo, in the heart of Shansi. Both concur in describing the suffering as truly horrible. The names of eight or nine millions are said to be down for relief in the three provinces most afflicted; but how far this is from representing the total number of sufferers, or

how inadequate is the relief forthcoming, may be inferred from the accounts of children being boiled and eaten, clay and leaves even used for food, and men, women, and children dying and dead by the roadside. We can sympathize in the earnestness of the appeal for funds made by those who are daily witnesses of such horrors, and we are convinced that the appeal which Mr. Muirhead, on behalf of the relief committee, makes for further aid will evoke a willing response from many who had not yet realized the horror of the scenes which are described in Mr. Richard's letter. It may be that what we send is a drop in the bucket, but every hundred dollars suffices to save some lives and relieve some measure of suffering. The whole of the funds hitherto subscribed have been remitted, but we share the hope of the committee that more will be forthcoming in answer to this renewed appeal.

---

THE FAMINE IN THE NORTH.

*To the Editor of the North China Daily News :*

DEAR SIR: Will you please insert the inclosed two letters in regard to the famine in the north. The one is from Rev. Père Aymeri, who describes in brief the terrible condition of things raging over whole provinces. The other is a continuation of letters that have been sent by Mr. Richard at Tai-yuen-foo, but have not come to hand. Both most earnestly appeal for assistance from the famine-relief fund, but our supplies have all been sent north to the scene of suffering. It would be a great satisfaction if timely relief were afforded in answer to these appeals, and the committee would be glad to receive and forward any assistance that might be rendered.

WM. MUIRHEAD,  
*Honorable Secretary.*

SHANGHAI, *January 24.*

---

[Translation.]

M. LE PRESIDENT: Can you, as you did last year for the sufferers of Shantung, send through the Procure of the Lazaristes, who has authority over the Catholic missionaries of the provinces afflicted by the famine, some portion of the amount which has been obtained for those suffering from the effects of the famine?

I do not think it necessary I should give you in detail a translation from the Italian of the horrible accounts I have received from numerous letters which have been sent to me from Shansi, Shensi, and Honan, where the famine is most general and terrible, and from Shantung, where the famine is far from having disappeared, though it is less severe there than it was last year.

These letters are truly heartrending; the people are dying, one might say, like flies; the cold, added to the failure of nourishment and fuel, leaves them nothing but yellow earth mixed with leaves of various kinds of trees to prolong their lives for a few days. The wild fruits, collected before they are ripe, and the stalks of the millet, are all that are left them; even water has failed, and it is often necessary for the sufferers to seek it at a distance of half a day's journey.

The future is very terrible, for, in many parts, the want of rain will prevent the ground from producing, and in many places the people will have consumed all of the grain-seed before sowing time.

The letters I have received are of a nature to make me believe that the details of the famine given in the Peking Gazette, and reproduced in the North China Daily News, are correct.

Hoping the committee will take my request into consideration,  
I am, &c., &c.,

A. AYMERI,  
*Procure des Lazaristes.*

SHANGHAI, *January 23.*

---

DEAR MR. MUIRHEAD: As I do not know whether the posts here are reliable, I send you duplicate of a letter forwarded a few days ago, and if this reaches at the same time, perhaps it had better be published.

It is some time since I saw any account of the Indian famine. In comparison with it, I believe the suffering here is far more terrible. The names of eight or nine millions are down for relief, namely, Honan, two; Shansi and Chihli, about one, and Shansi, five or six millions. That people sell their lands, pull down their houses, sell their wives and daughters, eat roots and carrion, clay and refuse, is nothing strange,

but a constant occurrence. And if this were not enough to move one's pity, the sight of men and women and little children lying helpless by the roadside, or, if dead, torn by hungry dogs and magpies, should do so. The news has reached us within the last few days, from more than one source, that children are being boiled and eaten. If there is pity in the human heart, and the possibility of assistance at hand, this is the time to call it forth. The terrible tales of sieges even sink to nothing before it, for it is only single cities which thus suffer; but here it is a thousand cities—a whole European kingdom! Many thousands of lives were actually saved, and no less than seventy thousand relieved last year, by the generosity of foreigners and their Chinese friends at the ports. It was then a labor of love on your part, who so nobly strove to do good. The blessing of God will ever rest on such deeds. Now we have one of the greatest famines this dynasty has had to contend with. Any help given will be most conscientiously given to the real sufferers. Want will be the only condition of relief. If friends at the ports or elsewhere do not consider Shansi too far away, every tael they contribute will relieve so many sufferers; and in multitudes of cases life depends on there being such help at command. I feel much difficulty in calling for aid this year again. It seems like laying too much on willing hearts, but when each day brings news of greater and greater suffering, I cannot but put the matter before those friends who showed such readiness before, and let them do what they can. To-day my landlord told me that two carts laden with corpses went out at the east gate of this city, which were to be buried together in a common pit. He did not know the number that were carried out singly. I have no words to express the anguish and despair of these poor people.

I remain, yours faithfully,

TIMOTHY RICHARD.

TAI-YUEN FU, *January 1.*

#### CHINESE FAMINE RELIEF FUND.

[From the North China Daily News, Shanghai, January 28, 1878.]

A meeting of the above committee was held Saturday; present, Mr. Glover in the chair; the Revs. Dr. Nelson and W. Muirhead, Messrs. Wetmore, Lemarchand, Forbes, Hübbe, and Dr. Johnston. A letter of apology was read from M. A. Hennequin.

The secretary stated the occasion of the meeting, that it was owing to the letters which had been received from the north in regard to the famine, and which had appeared in the public papers. The subject was then taken into the serious consideration of the committee as to what should be done. The exceeding sadness of the case was acknowledged, though there was a feeling of deep regret that very much of the prevailing suffering was owing to the want of sufficient roads and means of communication from Tien-Tsin to the famine-stricken districts. It seems that large supplies of rice had been forwarded to that port which were allowed to lie on the wharves exposed to all weathers, or to be otherwise stored up for lack of suitable means of conveyance, while multitudes were perishing at no great distance, and human flesh was resorted to by the living as a necessity of existence.

Various members of the committee were strongly of opinion that the Chinese Government was seriously at fault for this state of things; and both on account of the present famine, and, possibly, any future one, it ought to be most urgently pressed upon that government that railways and such like means of transport should be at once proceeded with, so as to open the country and prevent the recurrence of the terrible destitution now so widely prevailing. The hope was expressed that the publication of these sentiments, at the instance of the famine relief committee, would come to the knowledge of the native authorities, and carry weight with it in their case, leading them to adopt such measures as in similar circumstances to the present would prove effective for the saving of human life.

It was then agreed that the foreign settlements should be divided into various districts to be canvassed by the members of the committee, as was the case last year on the occasion of the Shantung famine. The following order was resolved on:

Honkew, Rev. Dr. Nelson and Dr. Johnston.

Honkew to Nanking road, Messrs. Wood and Gubbay.

Nanking road to Foo-Chow road, Dean Butcher, Messrs. Lemarchand and Glover.

Foo-Chow road to Yang-king-pang, Messrs. Forbes, Hübbe and Wetmore.

The French concession, M. Hennequin.

Chinese in the settlements, the outports and Japan, Rev. Messrs. Muirhead and Palmer.

It was further resolved that telegrams be sent to England and America appealing for assistance.

MY DEAR MR. MUIRHEAD: In accordance with the resolution passed at this morning's meeting I called on Mr. Davenport and General Stahel, who both consented to

forward under their official signatures the telegraphic appeals for assistance to England and the United States which were draughted by the committee. I append copies of the two telegrams which have gone forward. Mr. Helland deserves the warm thanks of the committee for his liberality in allowing both messages to pass free of charge as far as London over the northern lines.

I have also called on Monsieur Godeaux, who has kindly promised to advise the committee of the best means of appealing promptly to the charity of the French people.

I am, yours truly,

F. B. FORBES.

JANUARY 26.

[Telegram.]

Appalling famine raging throughout four provinces North China. Nine millions people reported destitute. Children daily sold in markets for food. Foreign relief committee appeals to England and America for assistance. Requests you form London (or American) committee, collect funds and deposit Agra Bank.

At a meeting of the Chinese famine relief fund committee on Saturday, it was resolved to divide the settlements into districts as was done last year, and canvass for subscriptions in aid of the appalling distress revealed by the last accounts from Shansi. Telegrams were also sent through the English and American consuls to London and New York, appealing for assistance. The committee took occasion to express an opinion which we would like to hope may have some effect on the consciences of Chinese statesmen, viz, that the government is itself in great measure responsible for the frightful loss of life which is occurring, from its neglect to make roads or maintain communications, thereby rendering infinitely difficult the transport of supplies which had been actually accumulated at the port of Tien-Tsin. But there have been famines in China before without this lesson being learned, and there are mandarins elsewhere than at Nanking who would rather see the people perish than admit such a pestilential foreign innovation as a railway.

[From the North China Daily News, Shanghai, February 4, 1878.]

#### TIENTSIN.

The morning after the burning of the soup-kitchen, at the southeast corner of the city, I sent you such statements as could be gathered at the time relating to the tragic event. As is always the case, such statements must be modified by ascertained facts, which cannot at once be had.

The fire occurred just at the time of the morning meal. One of the higher officers, who is looking after matters since the fire, told me that strict orders had been issued for the gate to be locked at meal time to prevent outsiders from mingling with the inmates and getting a part of the food, and in the confusion it was impossible to get the gate open instantly.

Accurate statistics are not available, either through their not having been kept or through the unwillingness of those in charge to furnish them, but from careful inquiry I think there was not less than 2,800 inmates.

The number burned to death may also be fixed with a good degree of certainty. Five days ago, after all the bodies had been placed in coffins, the number of confined bodies, large and small, then on the ground was, by actual count, 1,005, while more than 200 had been claimed and removed by friends. Other coffins were filled with the remnants of clothing, while still others contained, or were waiting to receive, either the bones of such of the unfortunate inmates as were almost entirely consumed, or the surface ground of the place. All these rags and this earth are to be buried as being stained or impregnated with blood.

Another method of computing leads to about the same result. A salt merchant of Tientsin, named Kao Hoch'uen, offered to give 3,000 coffins. The number taken from the shops was 1,500. Some of these were used for clothing, bones, and earth, while some were still empty; so that I think we are safe in fixing the number of deaths at not less than 1,200.

The general supervision of the soup-kitchens this winter is intrusted to the Tientsin Tao-t'ai Lin, the customs Tao-t'ai Li, and the former Tao-t'ai Ting. The persons in immediate charge of the place recently burned were of the rank of Tien Sz, named Ting T'ing-hwang, and Lü Wei-ch'ang. All these persons are expecting punishment of

some sort, in consequence of this sad affair. The inmates who escaped have been temporarily provided for in temples near by, or transferred to other relief sheds. Many of them have requested that an allowance of grain and money be made them, and they be permitted to return to their homes, which request, I am informed, will be complied with.

We are looking forward to the coming summer with unusual interest, as it is generally understood that the coal-mines are to be opened and mining pushed forward in them vigorously. May this lead to other equally important advance movements.

JANUARY 17.

---

[From the North China Daily News, Shanghai, February 18, 1878.]

#### TIENTSIN.

A couple of gentlemen, recently returned from a tour in the country, give a most distressing account of the state of some portions through which they passed. In many villages fully half the houses had been despoiled of all their wood, doors, windows, beams, &c., which had been sold for a mere trifle to procure food, leaving only the mud walls standing. In some cases I have heard of the beams being sold as fuel at 3 *cash* for 2 catties. In the Chi Chow district scarcely any animals are to be seen, and many of the villages are half deserted; indeed, in some villages it was said that "more than half" the people had gone away, and of those left, according to the local constables' statements, and in villages of sixty to eighty families, the remainder were being decreased by death at the rate of one daily. The district is likely to be almost ruined by the time crops come again.

The magistrate of Chi Chow adopted the following method of relief: It was announced that grain would be sold in the city at half price. It was sold, however, in very limited quantities, and only on every third day, and the business was done so slowly that many had to go away unserved; and even this sale was stopped about eighteen days ago. The grand defect of this plan is that it does not meet the case of the great majority of the people; they have no money to buy with. Many persons who farm 40 to 100 *mu* of land, and have been well-to-do farmers, have not a *cash* with which to help themselves.

One of the Hsien magistrates, under this same Chow city (Tsao-hsiang Hsien), adopted a different method. He announced that on a certain day 5 measures of grain would be given to each destitute person. Previous to the day of distribution runners were sent to all the villages to ascertain who were really destitute.

The announcement stated that those receiving grain would be required to sign an agreement to repay the grain the coming year. Those who possessed even one *mu* of land were thereby rendered ineligible to the relief. Thus those who might have some hope of being able to repay the grain if their land produced the coming season were debarred the aid they needed by this very prospect, while those who had no such prospect dared not sign such an agreement; consequently no one went. It would be interesting to know if this proffered grain was a government grant. The evil deeds of this official have been so many and so bad that he has become a by-word among his people, and, as a matter of fact, has almost ruined his district by his injustice and oppression.

Some time since proclamations were issued forbidding the slaughter of cattle, on the ground that the officials were praying for snow. It was privately intimated to the butchers, however, that by the payment of a few hundred taels they would not be molested in their business. This they very properly declined to do. As a consequence no beef is to be had. Our first fall of snow came yesterday, about an inch deep, and perhaps the strictures may now be removed.

---

Yen King-ming, special high commissioner for the superintendence of the arrangements for famine-relief in Shansi, submits a further report of his proceedings and investigations, having now traversed the eastern division of the province, and reached the district city of Yün-ch'eng. He received on the 8th December, at Kaoping, the imperial rescript acknowledging the receipt of his earlier report on the western section of the province; but previously to this, on the 29th November, he had set out from Tai-yüan Fu, the provincial capital, on his journey eastward. In the Wu-hiang and Tsin Chow districts he found that the soil of the uplands was baked to the consistency of brick, and that there had been no autumn crop. The relief agency had but lately been set in operation, and the distressed population had gathered around it awaiting succor. The country lying west of Ts'in Chow was in the same condition. Turning southward through Lu-ngan Fu he found that the winter wheat had not been planted, and that the country, its own provisions of grain exhausted, was depending upon the



importations from Kwang-p'ing Fu, in Chihli, by way of Tung-yang Kwan. Flour was selling at 60 or 70 *cash* per *catty*, which is three or four times the ordinary price. In Li-ch'eng, Lu-ch'eng, and Ch'ang-tze, the suffering from drought had been somewhat less, but the price of provisions was not diminished, and the population was suffering in an extraordinary degree. Passing through the southeastern border districts of the province, the memorialist proceeded westward to Yang-ch'eng, Ts'in-shui, &c., in which districts the suffering was found to be still more intense than in Ts'in Chow and Lu-ngan. At Feng-t'ai it was found that 250,000 was the number of applicants for relief, and at Yang-ch'eng 180,000 individuals were in the same category. These two points are the centers at which the largest numbers are collected. Generally speaking, the country embraced within Ts'in Chow, Lu-ngan Fu, and Ts'eh Chow is for the most part hilly and cultivated to a comparatively small extent. The population is principally engaged in the iron industry; and as the furnaces suspend their operations on all sides during a season of distress, the working classes find it all the harder to obtain means of subsistence. There are but few wealthy residents, moreover, in these districts, and local contributions are not easily obtained. For the issue of relief, the principal source of supply is the public granaries, but with such a multitude of mouths to feed, the small store of grain is exhausted in the twinkling of an eye. In Ts'eh Chow, as this department borders on Honan, supplies of grain have been received through the agency of the famine commissioner Wu Ta-ch'eng, but the amount thus obtained is limited and cannot suffice for all wants. The district authorities are performing their duties in obedience to the imperial commands, and are not intrusting their functions to the class of underlings. Although some may be more gifted with ability than others, no complaints are forthcoming of malversation or other malpractices. A salutary warning has been afforded by the governor's impeachment of some twenty or more of the provincial officials. In conclusion, the memorialist dwells once more upon the painful scenes he has witnessed at every stage of his journey, in the course of which his chair has continually been surrounded by crowds of the famine-stricken population imploring relief, to whom he has administered comfort in soothing words, assuring them of the imperial sympathy. The roads are lined with corpses in such numbers as to distance all efforts for their interment; while women and children, starving and in rags, know not where to look for the means of keeping body and soul together. The distinctions drawn a short time ago in respect of the degree of impoverishment in individual cases has now disappeared; all are equally reduced to utter destitution. The memorialist, his heart wrung with despairing pity, cannot but ask why has a calamity so awful as this been visited upon the people. He can only ascribe it to his own failure in the due discharge of his duty, and he feels that his shortcoming admits of no excuse. In reply, the grand council has received a rescript expressing profound sympathy with the sufferings of the people as reported in this memorial, and directing that all that is possible for their relief be done in consultation with the governor of the province.

---

No. 85.

*Mr. Seward to Mr. Evarts.*

No. 424.]

UNITED STATES LEGATION,  
Peking, March 22, 1878. (Received May 16.)

SIR: Some three or four years ago a plan was agreed upon by the viceroy of Tientsin and certain Chinese to work coal mines in the southwestern part of this province, and a gentleman long resident at Tientsin was dispatched to England to purchase machinery and to engage mining superintendents. The plan was considered by those foreigners who examined into it as not likely to give good results, and in point of fact it failed before operations had been fairly begun, it having become evident that the outlays required were much larger than the first estimates.

Of late, a more promising project has been brought forward by Mr. Tong King-sing, whose name will be familiar to you as one of the managers of the Chinese Merchants' Steam Navigation Company. It appears that he has examined a district to the north of Tientsin, and found there coal and iron in adjacent beds; that specimens of both have been submitted to analysis, and found equal to inferior English coal and iron; and that, after computing the cost of constructing works at the mines

and a railway to a neighboring river, he believes that mining operations can be undertaken at a profit. He reports all this to the viceroy, who concedes the permission asked for, and directs two officers to associate themselves with Mr. Tong King-sing, "for the organization of a financial scheme and the arrangement of all preliminaries." They report in turn regulations under which a commercial company may be formed to carry on the proposed operations. The viceroy having approved these, the prospectus of a proposed company was at once issued.

It may be accepted as certain that coal and iron exist in the given district, and that the promoters of the enterprise are in earnest in their desire to work the mines. The amount of capital which is required, however, is large, about \$1,100,000, and it is by no means sure that this can be secured. It is always possible that official hostility may at any moment be developed. Aside, therefore, from any question as to the merits of the scheme in a strictly commercial point of view, it is not unlikely that the undertaking will fail, either in the outset or later on. The fact, however, that the viceroy has twice formally approved proposals to undertake mining operations is of much importance to the cause of progress, and cannot but encourage enterprises which will be successful.

It is to be regretted that the promoters of the given enterprise are not at liberty to choose their field of operations. A few miles to the west of Peking are some of the finest coal mines in the world, and iron is found in the same neighborhood. These mines could be worked with more certainty and at less expense, in all respects, than those in the other district; and in the great matter of transportation they are far more favorably circumstanced. The government, however, is rigidly opposed to the introduction into them of foreign machinery, or the construction of a railroad or tramway from them to this city, to the river near here, or to Tientsin. As a consequence, all ideas of working them must be dismissed.

I have, &c.,

GEORGE F. SEWARD.

---

[Inclosure in dispatch No. 424.]

#### THE PROPOSED CHINESE MINING COMPANY.

[From the South-China Daily News, Shanghai, February 12, 1888.]

The Shên Pao has recently published the full text of the interesting reports from Mr. Tong King-sing to the grand secretary, Li Hung-chan, upon the capabilities of the coal and iron districts to the northwest of Tientsin, which were inspected by him in October last, in company with Mr. Morris, a mining engineer. We have already reprinted some extract translations from the China Mail; but a connected summary of the pamphlet will not be without interest to many of our readers:

The first paper gives a general report of his visit. He left Tientsin on the 24th October in a small steamer for Peh-t'ang, where he found a good anchorage with as great a depth of water as at Taku. On the second day he reached Lu-t'ai, a town of some importance, about 30 miles up the Peh-t'ang River. Here he left his boat and struck inland, halting the first night at a village called Wang-lan, near to which is a river communicating with the sea. The river takes its rise some 14 miles above K'ai-p'ing, a small town situated in the heart of the mining district. There is a fair depth of water as far as K'ai-p'ing, but the river is so tortuous in its course, and spanned by so many bridges, as to render navigation difficult.

On the second day after leaving Lu-t'ai, he reached the town of K'ai-p'ing above mentioned, and during the three following days was engaged in surveying the neighborhood within a radius of eight or ten miles, in search of coal and iron ore. The result was encouraging; specimens of coal and iron ore were collected and subjected to analysis, the details of which are given in a separate report, to which we shall refer later on.

Section 2 treats of the general features of the country. He remarks that in the northern portion of this district, a continuous chain of hills runs from west to east for

a distance of nearly twenty miles. At the foot of this range, and close to it, there is a chain of low hills running parallel to it, which doubtless at some remote period formed part of the base of the larger range. In the smaller range, iron was found; while the space between the low hills and the higher ones is full of coal mines. These latter have been in existence since the time of the Ming dynasty, and the country is covered with the traces of old workings, while some scores of pits are still in active work. He descended some of the pits, and found in some places that they had been sunk in a solid bed of coal; in others, the seam appeared on one side only. Pieces of coal were lying about in all directions on the surface, affording ample proof of its abundance. He was informed by the miners that in no single instance had they reached the bottom of a seam, from which it may be inferred that there is plenty of it underground. Here follows an explanation of the origin of coal, with an illustration of the reason why it should be better the deeper it is worked. He was told by Mr. Morris that only one description of coal was worked in the district, of which he estimated there were at least six million tons. In foreign countries one description of coal is never found alone, and although the miners were unaware of the existence of other kinds, Mr. Morris was of opinion that it would be found that they existed in still larger quantities.

Section 3 describes the working of the mines by the natives. All the mines are private property, and worked by private individuals. The pits are from 7 to 8 feet in diameter, with a depth varying from 60 to 160 feet. They are cut in an oblique direction, and the sides shored up with wood every 4 or 5 feet. The miners dig on till they get to water, and then their troubles begin. They do not know how to pump out the water, and the workings get clogged with mud, till, finally, they have to be abandoned altogether. This is not the only difficulty to be contended against. They lose the run of the seam, and cannot recover it; the sides of the pit fall in; foul air accumulates, or the workings catch fire, all of which possibilities render mining a dangerous employment. Profits, too, are extremely small. A picul of coal at the pit's mouth is worth one mace five or six, and broken coal about a mace; while one man cannot dig more than five or six hundred catties a day, from which it may be seen that mining is not a very profitable speculation.

Section 4 contains an explanation of the foreign system of working mines.

He then turns (section 5) to the iron-producing capabilities of the district. At Fêng-shan, near to K'ai-p'ing, the iron runs in a line following the base of the hills for a distance of about 15 miles, showing above the surface in some places, in others lying below it. Sometimes it is found in a single vein, in some places there are two distinct veins. These veins or strata are from 40 to 50 *ch'ih* (feet) in width, and of an unknown thickness. By the side of the iron ore, limestone is to be found, and below the iron is also coal; a remarkable instance of the economy of nature in her provisions for the benefit and profit of mankind. For, to smelt a picul of iron ore, 70 catties of lime and 3 piculs of coal are required; if these are not found in proximity, transport adds greatly to the cost of production. The natives appear to be ignorant of the properties of iron ore, although it is lying about all around them, and have no idea of the proper way to smelt it; in fact, there is really only one proper method of smelting it, and that is by the foreign plan with foreign machinery. There are no graves about Fêng-shan, and the country is sparsely populated, the only inhabitants being miners. The mines are the property of private individuals, who would be only too glad to part with them. The land belongs partly to the government and partly to private individuals, who are quite ready to dispose of so barren a soil.

Three specimens of iron ore were collected: a red ore (specular?), an ore of a brownish hue (ochry-red ore?), and a yellow ore with bluish-black spots (iron pyrites?). The first kind was taken from the stony soil at the base of the hills; the second from the hill-side; and the third from the top of the hills. Each specimen apparently contained about three-tenths of metal.

Section 6 is an estimate of the cost of working the Fêng-shan iron in the foreign way. The following are the figures given:

For smelting a picul of iron:

	Tls.	m.	c.
Lime, 70 catties, cost .....	0	0	7
Coal, 300 catties .....	0	3	0
Porterage .....	0	1	0
Total .....	0	4	7

Or, say, one ton of iron can be produced at a cost of 8 taels. In England, iron costs at the pit's mouth from 10 to 12 taels per ton.

Add to this the price of coal for smelting, about 5 mace per picul of iron, thus raising the cost of production to about 1 tael per picul. The price of iron in China is at present about 2.2 taels per picul. A smelting-furnace will smelt 600 tons a month. If prepared iron be worked at the same furnace, the outturn will be 1,000,000 catties (or, say, a little over 400 tons).

Section 6 is followed by a comparative statement of the value of K'ai-p'ing coal (section 7). The coal is light and loose, burning greatly to ash, for which reason steamers visiting Tientsin will not burn it.

English coal costs at Shanghai .....	8 taels per ton
Sinnan (?Sydney) coal .....	7 taels per ton.
Japan .....	6 taels per ton.
Taiwan, 4.5 taels to .....	5 taels per ton.

K'ai-p'ing coal would probably command Taiwan coal prices.

K'ai-p'ing coal sells on the spot for 0.16 taels per picul, or 2.7 taels per ton. The cost of cartage per ton to Lut'ai would be 200 odd large *cash* per picul, or 2.2 taels per ton. The freight by boat from Lut'ai to Tientsin is estimated at 0.5 taels per ton, and coolie hire at Tientsin is put down at 0.2 taels. This gives the following figures:

	Tls. m.
Price of coal at pit's month .....	2 7
Cartage to Lut'ai .....	2 2
Boat hire .....	0 5
Coolie hire .....	0 2
	<hr/>
	5 6
Steamers purchasing coal have to pay a duty per ton of .....	0 7
Add coolie hire .....	0 1
	<hr/>
This gives a total of taels .....	6 4

It is hardly strange, therefore, that steamers will not use it.

Now, suppose the coal were worked by the foreign method, the following would be the figures:

	Tls. m.
Price at pit's month .....	1 0
Expenses as above .....	3 7
	<hr/>
This would reduce the price at which it could be put on board ship to .....	4 7

The coal might find purchasers for local consumption at this rate, but it could not compete with foreign coal in Shanghai; for 1 tael odd per ton has still to be added for freight to Shanghai and portorage; this does not include duty and godown rent, of 6 mace, which would raise the cost to over 6 taels. Even if, as on Taiwan coal, a duty of 1 mace per ton only were to be levied, the cost of laying it down in Shanghai would still be 5.5 taels. This does not provide for a difficulty which working the mines on the European principle would still entail, viz, want of means of transport. An output of from 5,000 to 6,000 piculs a day would require 300 large carts to carry it away. Not only are there not so many forthcoming, but a demand for them would raise the cost of cartage. Hence it is apparent that 5.5 taels is a low estimate of the cost of laying down the coal at Shanghai.

Now, suppose a line of railway were laid down from K'ai-p'ing to Lut'ai. The figures would then be:

	Tls. m. c.
Coal at pit's month .....	1 0 0
Railway carriage .....	1 1 0
Freight to Shanghai .....	1 1 0
Loading and discharging .....	0 4 0
Half-duty export and import .....	0 1 5
Brokerage at Shanghai .....	0 2 0
Godown rent .....	0 1 0
	<hr/>
Total .....	4 0 5

This would permit of coals being laid down at Shanghai at, say, 4 taels per ton, which would not only enable the coal to hold its own against foreign coal, but yield a profit of 5 mace. Suppose 150,000 tons were produced a year, the profit would then be 75,000 taels.

If, therefore, it be a desideratum to drive foreign coal out of the market, and at the same time to give to the steamers of the China Merchants' Company return freights amounting to tls. 100,000, it can only be effected by the adoption of a railroad.

Having explained that a railway is essential to the profitable working of the mines, Mr. Tong-king-sing proceeds to submit an estimate of the probable cost of the line required. It should run from K'ai-p'ing to the mouth of the Chien River, a distance of 100 li (about 36 miles).

The following are his figures :

	Tls.
Purchase of land, 18 mow, for each li a tls. 10; cost for 100 li .....	18, 000
Ballast for each li a tls. 450; cost for 100 li .....	45, 000
Bridges over roads (?) .....	10, 000
Watch-towers, &c. ....	10, 000
Machinery, trucks, and cars .....	8, 000
Wood-work (sleepers) per li, tls. 500; cost for 100 li .....	50, 000
Iron work (rails) per li, tls. 2,000 .....	200, 000
Labour per li, tls. 100 .....	10, 000
Stone-work per li, tls. 250 .....	25, 000
Construction of wharves .....	24, 000
<b>Total</b> .....	<b>400, 000</b>

Estimating the carriage of coal on this line at 15,000 tons per annum, a saving on cartage from K'ai-p'ing to Lut'ai would be made of .....	330, 000
Deduct half this amount as the cost of freight to Shanghai .....	165, 000

And there will be an actual saving of, say .....	165, 000
Again, estimate the annual saving on the cartage of 200,000 piculs of iron at .....	30, 000

And a total saving is shown of .....	190, 000
--------------------------------------	----------

Thus, it is manifest that, reckoning in round numbers, in two years the line will clear itself.

The annual traffic and passenger receipts will just meet expenses on account of rent, labor, &c. The above figures are based upon the present ruling prices at Shanghai of Taiwan coal (tls. 4.5 per ton), and iron (tls. 2 per picul); any increase on these quotations will, of course, yield larger returns.

Section 9 deals with estimates of the cost of working iron.

Chinese do not make much use of cast iron. Arsenals and artificers in iron employ chiefly wrought iron. Two sets of smelting furnaces for cast iron would turn out 600 tons per month. Twenty furnaces for wrought iron would produce 1,000,000 catties per month. The furnaces would cost, inclusive of freight and insurance, tls. 200,000. The probable cost of conveyance of these furnaces to K'ai-p'ing, setting them up, and erection of buildings, dwelling-houses, &c., would raise the estimate to tls. 300,000. They would produce annually 120,000 piculs of wrought iron; value, at present rates, tls. 260,000 odd. The out-turn of cast iron would be 7,200 tons; value, at present rates, tls. 140,000; or, the out-turn of the furnaces would amount together to—

	Tls.
Wrought iron .....	260, 000
Cast iron .....	140, 000

<b>Total</b> .....	<b>400, 000</b>
Deduct from the above labor and capital, tls. ....	160, 000
Wages of Chinese and foreign workmen and superintendents, with maintenance .....	50, 000
Duties .....	30, 000
Freight, portorage, and godown rent .....	40, 000
	<b>300, 000</b>

This leaves a balance of .....	100, 000
--------------------------------	----------

Plant for coal-mines, wood-work, and sheds for storage, with wages of foreigners, and purchase of many necessary appliances, would entail altogether an expenditure of tls. 100,000. As, however, has been already shown, to work the coal at a profit, a railway must be constructed, and to construct a railway, iron must be procured. Iron and coal are inseparable, and should be worked together. The following estimate is therefore arrived at:

	Tls.
Purchase of plant for working coal and iron .....	400, 000
Railway, as by estimates given above .....	400, 000
<b>Total</b> .....	<b>800, 000</b>

These are large figures, and it will not be easy to raise so great a sum; it is therefore proposed to proceed by degrees. An immediate call of tls. 300,000 might be made, which will be devoted to the purchase of plant. The first call should be followed during the succeeding year by a second for a similar amount, which might be made to suffice for

the purchase of land, construction of a railway, and the initiation of coal-mining and smelting operations. The railway once completed will in a year yield a profit of tls.....	190,000
Add profit on coal.....	75,000
Add profit on iron.....	100,000
<b>Total .....</b>	<b>365,000</b>

Hence, in two years the profits would cover the original outlay, and afterward an annual income would be made of more than taels 300,000.

(NOTE.—These last figures are somewhat ambiguous. It is first stated that tls. 300,000 will be required, and immediately afterward it is proposed to undertake operations with a capital of tls. 600,000 only.)

As operations involving so large an outlay should not be entered upon without great caution, specimens of the iron have been sent abroad to be analyzed. If they should be found to reach a standard of 40 or 50 per cent., machinery should be purchased. Mr. Tong-king-sing awaits the report on the quality of the iron before making any suggestions as to the advisability of leaving the execution of his scheme in the hands of the government or vesting it in a company.

This closes the first report.

Paper II is, like the preceding one, divided into various sections, the first of which embodies an analysis of the different specimens of coal and iron gathered at K'ai-p'ing. These are found to be of inferior quality to the best kinds of English coal and iron, but to compare so favorably with the medium qualities as to warrant their being worked. Mr. Tong-king-sing is of opinion, however, that the responsibility and charge of so great an undertaking should be intrusted to competent agents, whose authority should be absolute and undivided, economy and caution being the two great principles to which chief prominence must be given.

Section 1 is followed by a series of short essays or arguments, pointing out the immense advantages to be derived by the adoption of the scheme proposed.

In No. 1 it is shown that Great Britain produces annually 3,412,000,000 tons of coal and 6,000,000 tons of iron, which distributed over a population of 33,000,000 gives a yearly income of more than tls. 10 per head. China derives no such income from her natural resources, although her population and area is ten times greater than that of Great Britain; but, on the contrary, pays away annually between six and seven million taels in the purchase of foreign coal. In China, reeds, stalks, and timber are chiefly used for fuel. One picul of coal is equivalent to several piculs of wood, and is much cheaper; a statement that is easily proved by the fact that coal, and not wood, is used for fuel in England. Cheapness of fuel means so much the more into the pocket of the poor man. The smaller the consumption of fire-wood, the cheaper and more plentiful timber becomes. Hence, production of coal in China will, in time, do away with the necessity for purchasing foreign timber, another outlet for Chinese capital.

No. 2 is a justification of the anticipations that are formed of the success of the mining scheme.

In commencing mining operations, whether in coal or iron, four conditions have to be considered:

1. Quality.
2. Quantity.
3. Cost of labor and material.
4. Means of transport.

Ten years ago the annual out-turn of coal in England was only several million tons; it has now reached the enormous figure of 130,000,000 tons. The best coal realizes tls. 2.3; medium quality, tls. 1.8; inferior quality, tls. 1.3; and at these prices profits are large, for a miner's wages are 8 mace a day, and one man can raise daily 5 tons.

Iron sells just now in England at the pit's mouth for tls. 2.3 per picul, best quality; medium quality for tls. 1.7; inferior quality for tls. 1.3. Steel fetches from tls. 30 to tls. 140 per ton. The cost of labor is now so heavy that little or no profits are made, and many workings are closed. Hence it may be concluded that there will be no further rise in prices.

K'ai-p'ing coal, though not of the best quality, is free from sulphur and other deleterious substances. The specimens analyzed were gathered from the surface, and it may reasonably be inferred that the deeper coal will be much better. Granted that it will only command the same prices as inferior English coal, a fair margin of profit will still be obtained. Native miners can be engaged at one mace odd per diem; put down each man's average at only two tons a day, and the cost of production would even then be half that of English coal.

The iron compares favorably with inferior British iron, and even if it will not produce steel, will command English prices and yield a large profit. Chinese labor is cheap, and lime, coal, and charcoal, for smelting purposes, are procurable on the spot. A picul of wrought iron will cost to produce about tls. 1; and if, as foreign experts

declare, it will come up to medium English iron and produce the inferior quality of steel, large profits will be made.

As regards quantity, this must be determined by experts.

Arrangements have been made to engage a mining expert from England at a salary of £1,000 sterling per annum, who will start for China immediately if telegraphed for.

*Transport.*—Lu-t'ai is 120 li, or about 45 miles, from K'ai-p'ing, with which it is connected by a good road. Cartage would cost about 200 cash per picul, and even were porters to be employed, a profit would be made. For large profits, however, a railway is required. It is easy to extract the coal, but what is wanted is the means of securing a constant issue; this can only be obtained by means of a tramway such as exists in Formosa, which would further serve to convey smelting machinery and other heavy plant.

No. 3 deals with estimates of the cost of the production of coal, and is for the most part a repetition of figures earlier given. The paper concludes with a statement that a boring machine has already been purchased, and suggests that a foreigner be engaged at a salary of £400 per annum to employ this machine in testing the coal districts, with a view to discovering the depth of the coal seams, the nature of the lower strata of soil, the depth at which water is found, &c., &c.

No. 4 deals with estimates of the cost of the production of iron, and, like the foregoing, goes over much old ground. The conclusion arrived at is, briefly, the following:

To erect smelting furnaces and construct a small railway a few li in length, a capital would be required of tls. 300,000. With these appliances, the out-turn of iron would be 15,000,000 pounds, which, after deducting cost of coal and labor, would yield a net profit of mace 4 or 5 per picul, or, say, an annual profit of tls. 60,000 to tls. 70,000; this, supposing the iron to realize only the same price as inferior British iron. Should the iron be equal to medium British, or were a railway constructed to carry it off, profits would be proportionately greater.

In reply to these representations, the grand secretary, Li, concedes the permission applied for, under the authority of an imperial decree of June, 1875, sanctioning the opening of mines at Tz'u-chow, and in Formosa. The Tz'u-chow mining scheme fell through in consequence of the difficulties in the matter of transport that presented themselves. The Formosa mines, however, have been worked with such success as to warrant the commencement of similar operations in Chihli. The mining engineer engaged by Mr. Hart to survey the coal districts at Wu S'ieh should be directed to proceed to K'ai-p'ing, and his powers put to the test. If he proves unequal to the duties that are required of him, other experts should be engaged to take his place.

A former Tao-t'ai of Tientsin called Ting, now awaiting a provincial judgeship, and Li, the present Tao-t'ai of Tientsin, are called upon to associate themselves with Tong King-sing. The three are to form a committee for the organization of a financial scheme and the arrangement of all preliminaries.

It would be tedious to follow in all their details the voluminous reports of these officers, which occupy many pages of the prospectus from which the Shên Pao obtains the papers it publishes; it will be enough to summarize the conclusions at which they arrive. These are, in brief, that a company should be formed under the following regulations:

The company shall be styled the *K'ai p'ing kung wu chü*, and shall have exclusively for its object the working of the coal and iron in K'ai-p'ing and the neighborhood, with the preparation of iron, cast and wrought.

The capital shall consist of tls. 800,000 divided into shares of tls. 100 each, any number from one to a thousand being allotted to a single applicant. On application a sum of tls. 10 per share shall be paid down, and a receipt shall be given for the number of shares secured. A further call of tls. 40 shall be made in February, 1878 (the commencement of the Chinese year), and plant and machinery will then be purchased. The remaining tls. 50 shall be payable in May, 1878, when the receipts for the first and second payments shall be called in, and the proper scrip issued.

One coal-mine shall first be opened and two smelting-furnaces for cast iron, with twenty or thirty wrought-iron furnaces erected, as well as hammers and machines for drawing iron bars.

The whole outlay, which is to include purchase of land, erection of buildings, and construction of railroad, shall not exceed tls. 800,000. Should the scheme hereafter prove profitable, more shares, to the extent of tls. 200,000, shall be issued, raising the capital of the company to tls. 1,000,000. It shall not exceed this amount.

It shall be understood that holders of original shares shall have the first refusal of any new shares put on the market.

The management and direction of the company shall, in the first instance, be vested in the committee. When operations have commenced, they shall be at liberty to recommend the appointment, as coadjutors, of any employes whom they find to be able and competent. These shall succeed members of the committee (in the event of the re-

tirement of the latter or their removal to other ports) in the direction and management of the affairs of the company.

The company, although under official superintendence, shall be purely a commercial undertaking, and shall be conducted on commercial principles. The employés in the higher branches shall be selected from among the shareholders. No officials shall be appointed in addition to those already delegated, nor shall government clerks and such like be employed. A daily record book shall be kept, and accounts made up monthly and yearly. The yearly accounts shall be published and a copy furnished to each shareholder.

The annual profits of the company shall be divided in the following manner:

A fixed dividend of 10 per cent. on each share shall first be paid.

One-fifth of the remaining profits shall be distributed as a bonus among the employés of the company. The balance shall go to the shareholders.

The superintendents and workmen in the employ of the company shall have fixed salaries allotted to them. These shall be paid monthly, and no transfers of salary from one to another shall be made nor advances granted. Accurate accounts of all expenditure shall be kept, and all payments of the nature of donations, complimentary *dou-cers*, and the like, will be disallowed.

Holders of shares to the value of tls. 10,000 shall have the privilege of appointing a working superintendent, whose functions, emoluments, &c., shall be determined by the management. He shall be liable to dismissal for incompetence or insubordination, but his patron shall be invited to appoint another representative. Godowns shall be erected at K'ai-p'ing and Lu-t'ai for the storage of coal and iron. At Tientsin the godowns of the China Merchants' Company shall be hired, at a rental hereafter to be fixed.

All coal and iron shall be sold at market rates, but the China Merchants' Company and the arsenals shall have the right to purchase what they require before any is put on the market. The company shall report to the proper authority whenever mines are opened on government land, and the proper taxes shall be paid. Where land owned by private individuals is required, it shall be purchased at the proper price.

All coal and iron shall pay inland duty, and, similarly, the usual duty shall be paid on that which is exported for sale. A lekin duty of 5 candareens per picul shall be paid on wrought iron, and 3 candareens per picul on cast iron; on coal the lekin shall be 1 candareen per picul.

The above suggestions were submitted to the governor-general, who replies at some length, accepting, with a few slight modifications, the regulations drawn up by the committee.

A form of scrip was then prepared, and a prospectus issued, from which the foregoing summary is taken.

The various branches of the China Merchants' Steam Navigation Company are authorized to receive payment and application for shares.

---

**ERRATUM.**—In the précis of section 2, published Tuesday, by a printer's error Mr. Morris is made to estimate the quantity of coal in the district referred to at 6,000,000 tons. It should be 60,000,000.

---

No. 86.

*Mr. George F. Seward to Mr. Evarts.*

No. 425.]

UNITED STATES LEGATION,  
Peking, March 22, 1878. (Received May 16.)

**SIR:** It is evident that the presence of Chinese in our Pacific States is giving rise to much anxiety there, and that the questions involved are becoming national. It is almost equally clear that it is still too early to say what conclusions will be reached by the country.

It is not my part to express an opinion as to what those conclusions should be. It may be appropriate, nevertheless, for me to state certain considerations which, in my judgment, should not be lost sight of.

The proposition has been advanced that it is competent for Congress to abrogate, by legislation, those parts of our treaties with this empire



which provide that Chinese may resort to the United States, and enjoy there the privileges accorded to subjects of the most favored nation.

Without raising a question as to the merits of this proposition, I may present for your consideration the fact that it may be inexpedient to proceed in this way. I take it for granted that we would not do this in any case, excepting as a last resort. There are reasons, however, why we should be more careful to avoid such a course, where our relations rest upon the basis of treaties wrested from the other party by the exercise or display of force, and from which they would gladly withdraw if allowed to do so.

It is true that our own treaties were procured in the ordinary course of peaceful diplomatic negotiation, but it is well known that those negotiations became possible only because other powers had been in the field with fleets and armies. It is equally well known that many occasions have arisen in the course of the foreign relations of the empire when very earnest language has been used to her, and she has been made to feel the danger of disregarding the rights and privileges secured to foreigners under the treaties. Would it not be unwise, then, for us to set China the example of an arbitrary and willful violation or abrogation of the treaties or any part of them? Would it not, indeed, imperil all our relations with the empire, and afford a certain ground of reproach against us by China, and by all the powers which are interested here?

On the other hand, we are not, as I judge, in position to undertake negotiations for the abrogation of existing treaty stipulations, and for the substitution of others intended to define the lines within which the immigration of Chinese into the United States may be permitted. As I have said, the country has not yet passed upon the question whether we ought to disavow, to use the language of one of our treaties, "the inherent and inalienable right of man to change his home and allegiance, and the advantages of free migrations." The most which can be said is that it may be desirable to secure such a revision of our treaties as will leave us free to deal with the question of Chinese immigration in the ordinary course of legislation.

With the question whether it is expedient to attempt this even, I shall not concern myself. If we do, we may subject ourselves to criticism indeed, but we shall proceed in an honorable way, and with a right regard to the sanctity of existing treaty stipulations, and of our responsibilities in this respect to the people of our own and of all other countries. It is appropriate, however, that I should express an opinion whether such a negotiation could be expected to succeed.

From the diplomatic point of view, we have always been at a disadvantage in dealing with China. We have voluntarily accorded to her people within our borders the privileges of those of the most favored nations. China, however, has yielded only a few privileges to our people, and we are constantly obliged to resort to diplomatic representations to secure to them the enjoyment of even these. As a consequence, we are always asking something from China, while she has nothing to ask from us. If, however, it has now become an object for her to secure for her people in our country the privileges so freely accorded to them, the situation has changed, and may be taken advantage of in all future negotiations.

A very few words are needed to indicate the lack of reciprocity between us. I think that there are no opportunities of residence, or of enterprise, from which the Chinese among us are debarred. They can go where they will and do what they will in all our broad domain. But it is not so here. Our countrymen may reside in a few cities only, and

they may engage in no enterprises outside of the ordinary interchange of commodities, and their transportation between defined points. Opportunities exist to develop mines, to establish furnaces and factories, to construct roads, canals, railroads, and telegraphs, to operate these, and steam or other vessels on many routes not now open to them; but from all these and many other important branches of enterprise we are effectually and, perhaps, hopelessly shut out.

Perhaps, then, the time has arrived when we may say to this government that we expect a more perfect reciprocity, and that, if our people cannot be admitted here to all the privileges enjoyed by theirs in our country, they must not blame us if we demand such a revision of our treaties as will leave us free to meet the necessities of our situation.

It is very certain that China would not consent to the extension of the privileges enjoyed by foreigners in this country, and it is possible that, rather than do this, she would agree to such a revision of our treaties as I have indicated.

But if she should not do so, and should plant herself firmly on existing treaties, refusing to grant to us anything, or assent to the withdrawal of any privileges from her people, we would have proceeded, nevertheless, as I have said, in an honorable way, and could then consider the whole situation, and determine the policy which would most conduce to our welfare.

I submit these remarks with perfect deference to the views of others, and in particular to those which may be held by the government, and in ignorance of the course of the discussion at home for the last three months.

I have, &c.,

GEORGE F. SEWARD.

No. 87.

*Mr. Holcombe to Mr. Evarts.*

No. 7.]

LEGATION OF THE UNITED STATES,  
*Peking, June 20, 1878. (Received August 6.)*

SIR: I have the honor to hand to you herewith a copy of an interesting dispatch recently received from the vice-consul at New Chwang. It is not yet known what steps, if any, the French Government propose to take in the premises.

Rumors are current here of coming difficulty between Corea and Japan, but they can be traced to no reliable source.

Any further information which I may obtain will be promptly communicated.

I have the honor, &c.,

CHESTER HOLCOMBE.

[Inclosure in No. 7.]

*Mr. Bandinel to Mr. Seward.*

No. 77.]

NEW CHWANG, April 30, 1878.

SIR: I have the honor to give you the following information:  
Monsieur Ridet, the French bishop in Corea, has been imprisoned, and the four French priests have fled to the mountains.  
(The theory is that the Coreans apprehend a war with Japan, and intend to hold the bishop as a hostage.)

Another theory is, that the act is due to religious enmity, and that his life has thus far been spared at the intercession of the young Queen, herself said to be a Christian. The French missionaries here tell me that war with Japan is expected by the Koreans, and would be popular among the lower classes, but that the country is quite unprepared.

I have, &c.,

FRED'K BANDINEL,  
*Vice-Consul.*

No. 88.

*Mr. Holcombe to Mr. Evarts.*

No. 11.]

LEGATION OF THE UNITED STATES  
*Peking, June 24, 1878. (Received September 2.)*

SIR: Referring to Mr. Seward's dispatch, No. 43, of March 6, last, informing you that he had prepared a memorandum upon Chinese currency, and had requested the vice-consul-general to transmit six copies of it to the Department, and in which he stated that the German minister was also preparing a paper upon the same topic, I now have the honor to hand to you two copies of M. von Brandt's memorandum. For your convenience in comparison, I also attach another copy of Mr. Seward's paper.

And I also beg leave to call your attention to the inclosed letter of the Shanghai Chamber of Commerce, in which they express their high appreciation of the ability with which our minister has treated the subject under consideration.

I have, &c.,

CHESTER HOLCOMBE.

[Inclosure 1 in No. 11.]

*Mr. Stahl to Mr. Seward.*

SHANGHAI, May 25, 1878.

I have the honor to inclose herewith copy of a letter from the Shanghai Chamber of Commerce in reply to my dispatch No. 11,402, concerning copies of your excellency's memorandum on the currency of China.

I am, &c.,

J. STAHEL,  
*Vice-Consul-General.*

[Inclosure to inclosure 1 in No. 11.]

*Chamber of Commerce to Mr. Stahl.*

SHANGHAI, May 22, 1878.

I have the honor to acknowledge the receipt of your letter of 6th instant, inclosing four copies of a memorandum on the currency of China by his excellency the United States minister at Peking.

The members of the committee have perused the documents with much interest, and the possession of so valuable a record of information, and so clear a statement of the question, will prove most useful to the chamber in considering the subject of which his excellency treats.

The committee regrets to be forced to the conviction, by the result of recent endeavors to induce the Chinese Government to place the currency of the country on a more satisfactory basis, that there is no present prospect of progress in the matter; but it will, nevertheless, not cease to engage the attention of the chamber, in the hopes that means may ultimately be found of persuading the government to recognize and perform what in western countries is considered the ordinary duty of the state.

I have to request that you will be kind enough to convey to Mr. Seward the thanks of the chamber for his excellency's communication.

I have, &c.,

Digitized by Google  
F. B. JOHNSON,  
*Chairman.*

[Inclosure 2 in No. 11.]

## MEMORANDUM ON THE CURRENCY OF CHINA.

It is well known that the Chinese Government do not issue coins of silver or gold, and that the pieces called by them "ch'ien," by the English "cash," and the French "sapecque," from the Portuguese "sapecu," which are made of copper variously alloyed, are the only ones in use among them. They are circular, and have square holes at the center which are used for stringing them together. They are cast and not minted.

The places and mode of casting cash are regulated by imperial statutes. Models are given out by the board of revenue at Peking. The standard weight is one mace (chien) each, and the value, by government standard, is the one thousandth part of a tael of silver of the treasury scale. (Staunton's Penal Code, sec. 118.) The casting of cash is under the control of the provincial governors subject to the orders of the board of revenue, and theoretically care is taken that the issues shall be so managed that the supply shall be sufficient to meet the demands of the people, and not so great as to cause their depreciation relatively to silver.

A coin, if it can be called such, which is cast and not minted, as a matter of course will be counterfeited. One made of a metal so base as copper, with alloys of a still baser sort, will be peculiarly liable to be counterfeited on the one hand and debased on the other. In this connection the following remarks, taken from the Commercial Guide of Dr. Williams, will be found pertinent:

"Within the last few years the government have taken strong measures to suppress the private manufacture of cash, but in vain. The capacity of the governors is strongly exemplified in its gross adulteration since the time of Kianghsi, about 150 years ago. It is debased in the coarsest manner with iron dust and sand, and presents a gritty appearance to the eye. In the reign of Taokwang (1821-'51) it became so bad that it would not remunerate forgers to counterfeit it. In the reign of Hsienfung (1851-'61) iron cash and paper notes were substituted for the copper cash."

The currency of Peking gives special evidence of the irregularities which have marked its history. By a curious fiction every piece of cash is called two. Without being able to trace out the cause of this, I have supposed that when the cash in use at a given period had been debased in value about one-half an effort was made to correct matters by issuing coin of standard merit, and ordering that each piece of the new issue should be taken as equal to two pieces of the old. The new issue in time became debased and confused with the old, until there was no recourse for the people but to call one cash two, irrespective of the issue.

Still later copper tokens of ten, twenty, &c., cash were issued, and these are now in circulation. They were never, however, of standard value. In 1869 one ten-cash piece was worth about three of the single cash pieces of varying issues which were in circulation, and 525 of them were required to purchase a tael of silver. As each piece represented ten cash, and as every piece of cash was doubled by the custom already referred to, 10,500 nominal cash were equal to a tael. Their value has decreased relatively to silver since then, and at times 18,000 nominal cash are required to purchase a tael. The paper tiao, of the city, represents 1,000 nominal cash, while in theory a tiao or string of cash should be equal to a tael.

In 1853-'54 an effort was made to force the iron cash spoken of above upon the people of the city, but it signally failed. "It was thrown away about the walls and by-ways, no one even thinking it worth the trouble of picking up."

It would seem, indeed, that the capital city and the north of China generally have suffered more from irregular practices affecting the currency than the more southern districts. It is said that many iron cash are in circulation in Chihli, Shansi, and Shensi, and that an effort has been made in each considerable town to preserve a standard of value by counting more or less of the actual cash as equal to a tiao, so that the custom of the place must be known before the person who has bought articles to any given value can tell how many actual pieces of money he is to pay for them.

At the ports open to foreign trade and in the southern provinces generally the actual cash are counted and so passed for the purposes of a currency, but their intrinsic value varies, not only as between the ports, but at the several ports. From statements made by the consuls of the United States to the legation, in the year 1873, I have derived the following results as the value of the average cash of each port, relatively to the haikwan or customs tael:

	Taels. Cash.
At Newchwang .....	1 = 1,909
At Shanghai .....	1 = 1,800
At Chinkiang .....	1 = 1,960
At Ningpo .....	1 = 1,868
At Foochow .....	1 = 1,605
At Amoy .....	1 = 1,736
At Swatow .....	1 = 1,668

Assuming these figures to be approximately correct, a range of relative values amounting to nearly 20 per cent. is shown.

Mr. Kingsmill, writing at Shanghai about ten years ago, said :

"Taking carefully picked cash, coined before 1820, such as are known in the market as Hankow picked, the average weight is rather less than 1.00 ch'ien. Slightly below this is what is known as Chinkiang cash, weighing from .940 to .943. Far below either is the ordinary currency in Shanghai. Taking a sample rather above than below what is known as fair quality, we will probably find it composed as follows :

Fair to good (in numbers) .....	500
Japanese and foreign .....	300
Debased of last two Emperors .....	200
	1,000

"The average weight is about ch'ien .780 only."

The same writer shows that at Hankow, under circumstances which created special demand, cash varied in value relatively to silver, as follows :

	Cash.	Tael.
1863 .....	1,000 =	0.750
1864 .....	1,000 =	0.795
1865 .....	1,000 =	0.845
1866 .....	1,000 =	0.785
1867 .....	1,000 =	0.650

The tael quotations given show the averages of the years, but in 1865 the price ran up so high that 84 tael cents were required to buy 1,000 cash, a range of relative value, as compared with the price stated for 1867, of more than 33 per cent.

Mr. Wylie, of Shanghai, states that the cash of the seventeenth century were made of copper, zinc, lead, and tin, in the following proportions :

Copper .....	50.00
Zinc .....	41.50
Lead .....	6.50
Tin .....	2.00
	100.00

Mr. Kingsmill, following these figures, estimates the cost of making 1,000 cash, weighing 1 ch'ien each, as follows :

	Tael.
Copper, at 15 taels per picul .....	0.46875
Zinc, at 5.20 taels per picul .....	0.12453
Lead, at 5 taels per picul .....	0.02031
Tin, at 15 taels per picul .....	0.02250
Say Shanghai taels .....	0.63609

Assuming 6 per cent. to be sufficient to defray the cost of coinage (casting), we arrive at about taels 0.675 as the price at which the Chinese Government could issue such cash. At the standard of 1,000 cash to the tael, the profit of the government would amount to more than 30 per cent.

We find, therefore, these facts existing :

- 1st. That cash vary greatly in weight and fineness.
- 2d. That their value, as compared with silver, is not constant.
- 3d. That they are not worth, when issued of standard weight and fineness, more than 70 per cent. of their nominal value.

As a permanent standard of value, then, the copper coinage of this empire is unsatisfactory in the extreme. It is nevertheless the currency which is used in all the ordinary transactions of the people. The laborer receives his wages in it. The farmer calculates in it the outturn of his crops. The small consumers and small producers, whose aggregate demands and supplies make up the great markets, find in it an index of the rise and fall of price. It can be shown even that at given times copper cash appear to have a more stable purchasing power than silver, and an argument raised to sustain the proposition which has been advanced over and over again, that it forms "the virtual monetary unit."

In passing, it may be remarked that the evils of an unstable currency are not now felt for the first time. It is said that in the Sung dynasty (960 to 1127 A. D.) cash were made "so small that they were called geese-eyes, and so thin that they would swim upon the water," and every one has read what Marco Polo wrote of the vast issues of paper money by the Mongols, who reigned between 1280 and 1368 A. D. They found "rag money" in the land which they had conquered, and while extending issues here, carried the practice into Persia, where paper of the sort is still called by the Chinese name, "Ch'au." It has been stated that they abused the power to make money to such an

extent that the discontent of the people, due to this cause, did more than anything else to bring about their downfall.

When we turn from this statement of the unsatisfactory character of the copper currency to deal with the facts in regard to the use of silver, we meet again with much that is singular and confusing.

At the foreign customs duties are demanded according to the Haikwan scale, and payments at the ports named below made in local taels are received at the following rates:

Newchwang .....	100 Haikwan taels = 108.50 local taels.
Tientsin .....	100 Haikwan taels = 105.00 local taels.
Chefoo .....	100 Haikwan taels = 104.40 local taels.
Hankow .....	100 Haikwan taels = 108.75 local taels.
Kiukiang .....	100 Haikwan taels = 106.31 local taels.
Chinkiang .....	100 Haikwan taels = 104.21 local taels.
Shanghai .....	100 Haikwan taels = 111.40 local taels.
Ningpo .....	100 Haikwan taels = 111.40 Shanghai scale taels.

South of Ningpo, duties are generally paid in dollars. So nearly as I have been able to learn, local taels are valued, relatively to the Haikwan standard, as follows:

Anoy .....	100 Haikwan taels = 110.00 local taels.
Tamsui .....	100 Haikwan taels = 110.00 local taels.
Taiwan .....	100 Haikwan taels = 111.37 local taels.
Swatow .....	100 Haikwan taels = 110.00 local taels.

At Foochow two local taels are used, one by foreign, the other by native, merchants. One hundred Haikwan taels are equal to 100.50 of the former and 101.45 of the latter.

At several, if not all, the ports, there are other taels known besides the Haikwan and the local commercial taels. One of these is called the "Kuping" or treasury tael. It is not constant, however, with the Haikwan tael, as will be seen from the following table:

Tientsin .....	100 Haikwan taels = 103.40 Kuping taels.
Hankow .....	100 Haikwan taels = 101.01 Kuping taels.
Shanghai .....	100 Haikwan taels = 101.65 Kuping taels.
Foochow .....	100 Haikwan taels = 101.14 Kuping taels.

In a dispatch addressed by Prince Kung on the 9th of April, 1877, to the foreign minister at Peking, he said: "All payments to and from the provinces are made in Kuping taels of pure silver."

The table shows that the Haikwan tael is better than the Kuping, and the provincial officers doubtless get the benefit of the difference.

It is suggestive of the lax ideas of currency and administration generally prevailing in China, that at one port foreigners of one nationality pay their dues at the customs at a rate different from that exacted of other foreigners, and that at several ports different rates are exacted of natives from those demanded from foreigners.\*

At Peking, Dr. Williams found five scales used for weighing silver, the tael of each weighing respectively 548, 541, 552, 539, and 579 grains.

But while there seems to be and is much confusion, matters are not so bad as they appear. It is a fact that the weight of the Kuping tael has been very constant for the last 200 years. The catty of this scale has been quoted at Peking, as follows:

	Grammes.
In 1580, by Le Compte .....	596.044
In 1769, by Clerc .....	596.800
In 1822, by Timkowaki .....	595.345
In 1841, by Kupffner .....	595.135

It is also reported as follows:

At Soochow, in 1779, by Collas .....	598.976
At Shanghai, in 1857, by Wylie .....	596.800

The same thing seems to be true in regard to the scale used at Canton for weighing silver, as will be seen from the following authorities:

	Grammes.
In 1710, Williams .....	601.104
In 1779, Collas .....	601.328
In 1710, Milburn .....	601.190
In 1825, Thompson .....	600.658
In 1845, Rondot .....	600.432
In 1847, Carvalho .....	601.112
In 1857, Rondot .....	600.432*

\* This scale is probably the Kuping, but I am not able at the moment to verify the point.

In view of the constancy for long periods of the scales indicated, it may very well be supposed that the Chinese throughout the empire are acquainted with a standard scale, the Kuping, for instance, and that the variation of local taels from the standard is clearly defined and understood.

The actual scales or balances used by the Chinese are more or less well made. Those oftenest seen in shops, &c., have a brass beam suspended from a standard, and two brass basins, carried by brass chains. It cannot be supposed that they are very sensitive and accurate. Others of a finer sort are made in the same way, the beam being of ebony or ivory, and the basins of brass, suspended by silken cords. Others are fashioned like our steelyards. These all would be condemned, of course, in assay offices or mints in Europe or America.

Chinese assays of silver are equally defective. The process at Peking appears to be a simple one, in which the borate of soda is used with or without lead, according to the proportion of alloy. At Shanghai, niter and lead are used with white sand, and at the last moment of the melting process a piece of white oxide of arsenic is thrown in to give splendor to the metal. Cupellation and the use of acids are not known.

The trade-dollar was declared by the assay of 1873 to be .8961 fine, instead of .900. While this is a wider deviation than is allowed by the mints of Europe or America for "toleration" or "remedy," it is so close that I have suspected that it was based on the well-known standard of the coin. In the same year I endeavored to have an assay made at Shanghai, but found many unnecessary difficulties raised. At the assay of the Hong-Kong dollar, the result obtained was a fineness of .8944. An allowance was then made of 1/100 for silver remaining incorporated with the lead, and the dollar declared to be 900 fine. This assay was made in the presence of the assayer of the Hong-Kong mint, who exhibited also the foreign process of assaying. It is reported that the Chinese were highly interested in the skillfulness displayed in the process.

After the assay of the Hong-Kong dollar a proclamation was issued, declaring that 111.1 taels, weight of that coinage should be held equal to 100 Haikwan taels, and after the assay of the trade-dollar, it was in the same way declared that 111.9 taels' weight of the American coin should be held equal to 100 taels; a proportion not justified by the actual fineness of the coin nor by the fineness declared by the assay. I am informed, however, that 108 taels' weight of dollars are frequently accepted as equal to 100 taels Haikwan.\*

Chinese assaying establishments are called kungkoo. \*They are not found in all the cities of the empire nor even in many of the most important. Mr. Billequin, professor of chemistry in the Imperial College of this city, is of the opinion that very little silver is refined here. In a report of the United States consul at Newchwang, made in 1870, he states that "There is no kungkoo; any one who chooses may fabricate ingots of silver, and the only check upon such persons is their fear to lose their reputation for honesty."

The commissioner of customs at Chefoo reported in the same year that "serious inconvenience, delay, and losses have resulted to foreign merchants from the quantity of inferior sycee in circulation. To remedy this a kungkoo has been established, but the country buyers refuse to recognize it, and suspension of business with the interior has resulted." In 1865 the commissioner at Hankow wrote: "In the early days of this port the demand for sycee was so sudden and extensive, that Shanghai was unable to supply standard sycee in sufficient quantities. It thus arose that sycee of an inferior

\* The inspector-general of customs has given me a memorandum on the weight and fineness of the Haikwan tael. According to this, it should weigh 1 oz. 4 dwts. 3.84 grains troy, say 589.84 grains, or 37.578 grammes. The Haikwan catty would be therefore 601.248 grammes, or something more than the Canton and Kuping catties. An assay of the trade-dollar was made at Canton in 1873. The assayers declared that 100 trade-dollars weighed 72.68 taels by the Haikwan standard. At an early assay 100 Hong-Kong dollars were declared to weigh 71.92 taels. The actual weight of the trade-dollar is 420 grains, that of the Hong-Kong dollar 416 grains. The tael, at these rates, would be 577.875 and 578.402 grains, and the catty 599.216 and 599.766 grammes.

Haikwan silver is supposed to be perfectly pure. Foreign dollars are accepted by the Haikwan standard only with an allowance which gives a result in pure silver. It is not likely that, in estimating the value of silver otherwise current, the proportion of alloy is arrived at and reported with equal care. In point of fact, as might be expected, Haikwan silver is not up to the assumed standard. On the 19th of June, 1876, thirty-five ingots of Canton silver, said to be of the Haikwan standard, were assayed at the Osaka mint. Thirteen of these proved to be .9820 fine, seventeen .9855, two .9860, and three .9845. On the 13th, fourteen shoes were assayed, resulting as follows: Two .9865, eight .9860, two .9855, and two .9850. It thus appears that Haikwan silver contains really about 1 1/2 per cent. of base metal, and that 109.5 taels' weight about of dollars 900 fine should be held equal to 100 taels of Haikwan silver. An officer formerly connected with the Canton customs informs me that the bullion received there is cast into 10 taels ingots for transmission to the capital, and that these ingots are of about 98 touch.

quality was transmitted to this port, and on its being found that adulterated silver was accepted as equivalent to standard, the practice, originally exceptional, became the rule, and, *sycee*, depreciated to the extent of two, three, or even four mace per shoe, was regularly manufactured for the Hankow market. About two years ago an attempt was made to establish a kungkoo or assay office, which was unsuccessful, and the failure was followed by an enormous increase in the depreciation of silver. It was not, however, until the present month that an assay office, duly recognized by the Chinese and the consular authorities, was opened."

In the absence of assay offices the Chinese rely upon the *touch*. Le Compte, writing in 1790, says, what is equally true at this day: "They are so expert in guessing at the goodness of any piece of silver by looking on it only that they are seldom mistaken, especially if it be melted after the manner practised by them. They know the goodness in three ways: by the color, by small holes which are made in melting, and by the small circles which the air makes on the surface of the metal when it cools. If the color be white, the holes small and deep; if the circles be many, and those close and very fine, especially toward the center of the piece, then the silver is pure; but the more it differs from these three indications so much the more alloy it has."

While it appears that uncertainties arising from the multiplicity of standards, the imperfect construction of scales, and the defective means of testing the quality of silver must prove a great source of annoyance to those who have occasion to use the metal, in one way and another fairly accurate results seem to be reached. This is the case at least as between the open ports. There is of course frequent occasion to remit bullion from the northern and riverine ports to Shanghai. I am informed that such remittances almost invariably result according to the expectations of shippers.

It follows from what has been said that however defective may be the test of silver and of the scales by which it is weighed, no such failures attend its use for purposes of a currency as have been experienced in the case of the copper currency already described.

That silver is the real standard of value is well-understood by the Chinese. We have seen that a cash is supposed to be the one thousandth part of a tael of silver. This is the declaration of the government and indicates the view taken by it. But cash passes among the people for just so much as they consider them worth, having regard to their intrinsic value, and their convenience as a medium of exchange. The government recognizing its failure to keep the coin up to standard, have accepted the action of the people and receive cash in payments of taxes only at the exchange current among them. The dues collected at the foreign customs are in silver, and remittances from the provinces to the capital are in silver or in banker's bills calling for silver. The penal code provides that soldiers and citizens shall not use in their houses any utensils of copper, saving such as are permitted by the law, and that any excess shall be given over to the government at a stated price in silver. Importations of copper from Yunnan are similarly not to cost more than a stated price in silver.

What has been said will indicate the position of cash and silver in the Chinese currency. It remains to speak of gold.

It cannot be doubted that the latter forms a part of the currency, but this is true only to a limited extent. It is more properly a merchandise which is bought and sold in the market.

The tendency throughout Asia is to place a lower relative value upon gold than prevails in Europe and America. In China this tendency has been a normal one, and not the result of legislation, for in one sense gold and silver are equally articles of commerce; that is to say, neither has been coined. The case has been different in Japan, gold and silver having been long coined there. At the date of Commodore Perry's treaty, gold, judged by the face value of coins in circulation, was worth only five times as much as silver. It is understood that the government received the whole production of the mines, and as no considerable import or export of the precious metals was allowed, it was able to establish their relative value by decree.

Quotations of these metals in China and Japan must be received with the reservation that one cannot be sure how far pure gold has been weighed against pure silver. I think that as a rule the gold is purer than the silver.

Rondot gives the following table:

Years.	City.	Gold.	Silver.
1285.....		1	10
1375.....		1	4
1779.....	Peking.....	1	17½
1810.....	Canton.....	1	10
1821.....	Peking.....	1	21
1844.....	Canton.....	1	17
1845.....	do.....	1	16



These quotations are so widely and irregularly at variance that their accuracy may be greatly questioned. It is the general fact, however, which is in point, and regarding this the two following quotations are sufficient.

Le Compte, writing in 1690, says: "Europeans make a good market of gold, because in China a pound of it bears but the same proportion to a pound of silver as one to ten, whereas among us it is one to fifteen." Sir George Staunton, writing a century later, made the following statement: "In general, the value of silver has borne a much greater proportion to that of gold in China than in Europe, excepting when an extraordinary demand for the latter by foreign merchants has increased the rate of it."

I have been at some pains to collect statistics of the relative values of the metals for recent years. The general result shows that while the markets have been sensitive to the European demand, there have been some wide fluctuations. The lowest quotation in the last 30 years is 1 to 12.8 (at Shanghai in 1855); the highest is 1 to 17.5 (at Peking in August, 1876).

There is here an exchange for the purchase and sale of gold at which the price is determined for the day. Whether similar exchanges may be found in other cities I do not know. I imagine, however, that there is relatively more gold in circulation at Peking than at other leading points, for the reason that a great deal of trade with Mongolia, Central Asia, and Siberia centers here bringing in that metal, and that persons of the official class coming here for greater or less periods, find it more convenient to carry than silver. There is a constant flow of gold in commerce from the northern ports to Shanghai and the south, but the quantity of it so moved is not great.

Paper obligations of one kind and another take an important place in the currency of the empire. None of this, so far as I know, is issued or sanctioned by the government, and all issues which are intended for currency purposes are to be classed as "shin-plaster" paper, as the American term is. Probably, however, 75 per cent. of the smaller business of Peking is transacted with such paper. In some cities, as at Shanghai for instance, it is never seen. Foochow has long enjoyed prominence in the use of paper money, and it is likely that the practice followed here and in that city will be found to exist in many others. One author says: "Bank notes, payable to bearer, are in use throughout the empire, and are issued by the great houses of business, and accepted in all the principal towns." At Shanghai, by far the greater part of the merchandise purchased by Chinese from foreigners is paid for by orders drawn by the native bankers on themselves, and having usually ten days to run. Bills of exchange drawn by bankers in one city upon those in others are greatly used. At times a considerable part of the revenue transmitted to Peking from other parts of the empire has been sent up in this way.

It may be assumed, I think, that paper in its different forms takes the place of silver and cash in the transaction of business generally to a very considerable extent, and that this result is largely due to the facts that cash are inconvenient to handle, and that the use of silver is attended with difficulties not met with where a coinage system exists.

The failure of the Chinese to coin precious metals is due to a variety of reasons. Du Halde says quaintly: "It is easy to judge that there would be many debasers of money in China if silver was coined, since the small pieces of copper are so often counterfeited." Dr. Williams says: "Silver and gold coin were both used in China, at different periods of her ancient history, but never have been issued by the present or any modern dynasty. A consciousness of their inability to maintain the standard alloy and weight throughout their vast domain and a knowledge of the facility with which the coins could be counterfeited combined with their ignorance of the advantages of a gold and silver currency, and a disposition to meddle with the coinage, explains why the Manchus have never attempted to circulate silver coins." Issues of silver, moreover, could be made only at or near the intrinsic value of the metal used. Upon such issues the government could make but small profit, while, as we have seen, the profit upon issues of cash is very great.

It cannot be supposed, however, that the Chinese are different from other people in their need for and their capacity to appreciate a currency convenient in form and based on value. The Mexican dollar is much used at Shanghai, and it is always at a premium. Two years ago it ran up in a few months from 72.5 to 82.4 per cent. of the local tael, a range of ten per cent, nearly, in the relative value of silver conveniently coined and silver as bullion. Twenty years ago the Carolus dollar came to be at par with the tael. At Canton dollars, although passed by weight, are generally, as we have seen, at a small premium over bullion. In this city they pass freely, but at a slight discount. At Tientsin, as I am informed, they have sometimes been in such demand that it would pay to import them from Shanghai. Experience shows, as I believe, that if the supply of foreign dollars were constant and sufficient, they would come to be the money of account at all the open ports.

In making this statement I am aware that it involves the proposition that the government would have no serious difficulty in establishing a mint, and in putting out coins of determined value. They would need only to offer such money to their people

to have it accepted. It would not be necessary to declare it legal tender, but, on the contrary, better that this should not be done, saving in respect of customs dues. At first, doubtless, it would be regarded with suspicion, as anything is in China which is strange. The readiness of the government to receive it would commend it greatly to the people, and their freedom to receive or to reject it would dispel doubt. The absence of legal-tender laws would prevent any movement to debase the coin, for so soon as debased the people would discover and reject it. Well-executed coins would be so difficult to counterfeit as to prevent danger of this kind. In point of fact, all the reasons would exist for the acceptance of such coins which have induced the acceptance so widely of certain foreign coins, and many more beside.

That great opposition to the establishment of a mint must be expected, is manifest. Foreign bankers appear to prefer to have the currency in its present irregular and uncertain condition, doubtless because they make a profit from it. How much more native bankers and money-changers, and receivers of the revenue and disbursing officers will strive to uphold the existing system may be readily imagined.

It is well known, however, that the Chinese central authorities and some of their leading provincial officers are alive to the evils of the present system, and disposed to introduce remedies, and it may be predicted with safety that a coinage system will be adopted within a near period. I do not say within five or ten years, or attempt to anticipate the date. It is coming to be a felt want, and such wants create their remedy.

It is evident that no step short of the establishment of a mint can effect a radical improvement of the currency. Gold and silver must be coined in order to be convenient for use, and such coins must be authoritatively issued, in order to be accepted without hesitation or doubt. The object to be kept in view, then, is the establishment of a mint and nothing less.

It may be possible, however, to correct some of the evils of the existing currency. I think that we are fairly entitled to ask—

1. That the government shall declare in what tael the customs and other dues payable by foreigners are to be discharged. It appears from Prince Kung's dispatch that the action of provincial officers in demanding such payments by a higher scale than the Kuping is a departure from the established rule of the government in regard to the receipt and disbursement of the public moneys.

2. The standard tael having been decided upon, its exact equivalent in grains troy and grammes should be declared. Looking to the inferiority of native scales, there can be no certainty in passing bullion until this has been done.

3. The purity of the silver of the standard tael should also be declared. There is no such thing in China, or elsewhere for that matter, as silver 1,000 fine, and it is necessary to have a standard purity declared, not only in order to effect certainty in passing bullion, but also in determining the equivalent values of the foreign coins in circulation.

4. The values of local taels relatively to the standard tael should be restated and declared.

5. The values of foreign coins should be restated and declared.

It is not necessary, as I think, to enter upon an extended argument to show that the steps mentioned above are of much importance, or to explain why silver only is spoken of. All that has preceded in this paper indicates that silver is the real standard of value in China, that much uncertainty exists in its use, and that, if effort is to be made to improve matters without a radical departure from the existing system, the suggestions made are perhaps those which, if carried out, would offer the best results.

It is not necessary, either, to point out the treaty stipulations which would justify the effort to effect such an improvement of the currency. When foreign nations agreed with China for the payment of duties upon merchandise imported and exported by their people, it is not to be supposed that they imagined that the unit of the currency was an unknown quantity, or that they can be satisfied to have a situation continue which does not give uniform results.

It is desirable, of course, to proceed toward the accomplishment of reforms in this country, or in any other, within existing lines of administration. Perhaps a leading merit of the suggestions advanced lies in the fact that it would not be necessary to bring any new instrument of administration into use. It would be quite possible for this government to direct its provincial officers to take steps in concert with the foreign customs establishment to bring about all the reforms indicated.

There can be no doubt, moreover, that steps so taken would prove an advance toward the ultimate object. They would expose more clearly the faults of the existing system, and they would break down in some measure the interests which are upholding it. All considerations, then, those of the immediate interests of commerce, and those which look to the ultimate and complete reformation of the currency to the advantage of all, to that of the native indeed far more than to the foreigner, indicate that it will be wise to prosecute this business with all appropriate earnestness.

GEORGE F. SEWARD.

PEKING, February 20, 1878.

No. 89.

*Mr. Holcombe to Mr. Evarts.*

No. 14.]

LEGATION OF THE UNITED STATES,  
*Peking, June 25, 1878. (Received August 6.)*

SIR: Inviting your attention to Mr. Seward's several dispatches upon the conservation of the harbor and the approaches to the port of Shanghai, and notably to his numbers 364, 371, 402, 411, and 412, I have the honor to hand to you herewith a copy of a letter of thanks for his course in the business, addressed to him by the Shanghai Chamber of Commerce through the vice-consul-general.

I have, &amp;c.,

CHESTER HOLCOMBE.

[Inclosure in No. 14.]

*Mr. Forbes to Mr. Stahel.*

SHANGHAI, March 30, 1878.

SIR: This chamber had the honor to receive a letter from you dated 16th March, covering a copy of a dispatch from his excellency Mr. Seward, inclosing a set of rules which have been agreed upon between the ministers of treaty powers at Peking and the Chinese Government for the regulation and control of the harbor of Shanghai.

Allow me to express the thanks of the chamber for this communication, and to ask you to convey to his excellency the United States minister an acknowledgment of his courtesy in requesting you to inform the mercantile body of the progress of negotiations on the subject of the conservation of the harbor and river on which this port is situated.

This chamber has noted with pleasure his excellency's announcement that the question of further measures is likely to be considered at Peking, and I am especially charged to beg that you will acquaint Mr. Seward with the feelings of the chamber with regard to the interest which his excellency has evinced in advancing the interests of the trade of this port, by promoting the safe navigation of its approaches.

The chamber is glad to recognize in Mr. Seward's dispatch evidence of a continued endeavor to obtain improvements and to insure the maintenance of the important water-way which gives access to this settlement.

I have, &amp;c.,

F. B. FORBES,  
*Vice-Chairman.*

No. 90.

*Mr. Holcombe to Mr. Evarts.*

No. 15.]

LEGATION OF THE UNITED STATES,  
*Peking, June 26, 1878. (Received August 6.)*

SIR: I have the honor to hand to you herewith a copy of a letter received from Dr. Elmore, the minister for Peru, extending the thanks of the President of Peru to Mr. Seward for services rendered to the first mission from that country to China.

I have, &amp;c.,

CHESTER HOLCOMBE.

[Inclosure in No. 15.]

*Mr. Elmore to Mr. Seward.*LEGACION DEL PERU, EN LA CHINA Y EL JAPON, Y EN HAWAII,  
*Canton, May 6, 1878.*

SIR: It is my very pleasant duty, in virtue of special instructions I have received from his excellency the President of Peru, to express to your excellency the profound

gratitude of the Peruvian Government to yourself for your good offices and many services to the first mission of Peru in this empire, both in the time of Captain Garcia y Garcia, and when I became the chief of it. In your capacity of consul-general at Shanghai, always kindly and most efficiently seconded by Mr. Vice-Consul-General Bradford, you did constant and invaluable services to Peru during more than three years, and subsequently, as minister of the United States, your good offices, and the interest you have evinced for Peru, and your distinguished representation of my country at the court of Peking for the last two years during my absence, are facts which my government fully appreciates and sincerely thanks you for.

The President wishes me also to express through you to your excellent secretary and interpreter, Mr. Chester Holcombe, the acknowledgment of the very important services which he kindly lent me during my last residence at Peking in the winter of 1875-76.

To these expressions of my government's recognition of your services and those of the efficient officers under your excellency, I beg to add my own sentiments of the deep gratitude which will perpetually accompany me.

I have the honor to renew to your excellency the assurances of my highest consideration and of my personal regard.

J. F. ELMORE.

His Excellency GEORGE F. SEWARD,  
*Envoy Extraordinary and Minister Plenipotentiary of the United States, Peking.*

---

No. 91.

*Mr. Holcombe to Mr. Evarts.*

No. 19.]

LEGATION OF THE UNITED STATES,  
*Peking, July 1, 1878. (Received September 2.)*

SIR: Recurring to Mr. Seward's dispatch No. 398, of February 7 last, inclosing a copy of a circular letter addressed to our consuls at the several ports, inquiring whether the trade-dollar is coming into circulation, and whether any official action may be taken which will increase the demand for it, I now have the honor to hand to you copies of the several replies which have been received.

From these you will see that the coin in question has obtained no circulation in China, except at Amoy, Canton, Foo-Chow, Swatow, and the Formosan ports. At these places, it seems to be preferred by the natives to the Mexican, and to command a small premium.

The burden of opinion would appear to be that no official effort to extend its circulation is advisable, unless it can be made a legal tender for the payment of customs dues at a fixed rate.

I desire to request your special attention to the remarks contained in the dispatches from the consuls at Amoy, Foo-Chow, and Ningpo as to the desirability of preventing, if possible, the "chopping," or mutilation, of the trade-dollar. This practice, which had its origin in a rule made by mercantile houses in the south of China, requiring each firm to guarantee the genuineness of dollars paid out by affixing to each coin its "chop," or Chinese firm-name, and which was done by stamping with a die upon the surface of the coin, has grown into such an abuse, that current dollars are defaced beyond all possibility of recognition, and not infrequently coins are found in circulation through which holes have been punched.

In some cases, indeed, there is good reason to believe that the die has been displaced by a gouge, and a small portion of the metal has thus been abstracted from the coin.

In this connection, I inclose a copy of a memorial upon this subject presented to the governor of Hong-Kong, in June, 1877, by the leading

bankers and merchants of that colony, in which the evils of the "chopping" system are set forth.

It is evident that the mutilation and defacement of any coin tends largely to limit and interfere with its general circulation. Whether it is wise to undertake negotiations with this government, at the present time, looking to a suppression of this practice in China, so far as it affects United States coins, is a question for the Department to decide. I desire, however, to point out that steps in that direction, if entered upon at all, should be undertaken simultaneously in Peking and London, as the practice referred to is not more common in this country than in Hong-Kong, which, as you are aware, is a British colony.

I have, &c.,

CHESTER HOLCOMBE.

[Inclosure 1 in No. 19.]

*Baron Von Soden to Mr. Lincoln.*

GERMAN CONSULATE,  
Canton, June 22, 1877.

DEAR SIR AND COLLEAGUE: According to article 22 of the treaty between Germany and China, payments due to the Chinese customs may be made in bars or in foreign coin, whose relative value to the Chinese sycee-silver shall be fixed by special agreement, according to circumstances, between the consular officers and the superintendent of customs.

The provisions of the article of this treaty have as yet not been carried out at Canton, inasmuch as the above-mentioned agreement between the German consul and the superintendent of customs there has never been entered into.

I have, therefore, lately been instructed to cause the relative value of the coins current at the Chinese customs to the Chinese sycee-silver to be fixed in the manner provided by the article in question. The motive for the instruction is the following:

As regards the value of the Mexican dollar, the result of fifty-two assays lately made at the imperial Japanese mint, at Osaka was, that the fineness of Haikwan silver varies between 984.5 and 986.5, and that by far the greater number of pieces examined showed a fineness of 985.5, containing besides from 0.20 to 0.22 of gold. The loss incurred by melting 54,018.34 ounces was 83.03 ounces.

According to American assays, weight and fineness of the Mexican dollar are: the old Mexican dollar 415.68 grains troy, and .901 fineness; the new Mexican dollar (balance dollar) 415.68 grains troy, and 902.5 fineness.

By an assay made on the 23d December, 1873, by Her Britannic Majesty's consulate and the Chinese authorities of Canton, the value of 100 old Mexican dollars was fixed at 63.9 Haikwan taels, and that of the new dollar at 64.8 Haikwan taels, that is to say, 100 Haikwan taels are 154.32 new and 156.49 old Mexican dollars.

This unfavorable proportion can only be traced to the fact that the loss sustained by melting, &c., of the dollars was more considerable than what it would have been in the event of a careful and conscientious manipulation.

The weight of 100 dollars being 72.67 Haikwan taels, and assuming the fineness of the tael to be †888 and that of the dollar †88—which is too favorable for the former and too unfavorable for the latter—\$152.90 would have to be paid for 100 Haikwan taels.

It hence follows, since Mexican dollars are of an actual fineness, of respectively, 901 and 905, instead of 900, and the average fineness of Haikwan taels not being 1000, but only 985.5, that for every 100 Haikwan taels \$4.06 are paid in excess of their value in new and \$5.98 in old Mexican dollars.

All consuls of the treaty powers having a right, and in view of the above facts sufficient cause, to desire the relative values of the current coins regulated upon a sound basis, I embrace the opportunity, dear sir and colleague, to inform you of my intention of engaging the Chinese authorities to subject the different coins to a fresh assay.

As this is a matter of common interest to all foreigners, I beg to inquire if you will consent to act conjointly with me and our other colleagues, to whom I have addressed a similar letter.

It will be a matter for future consideration in what manner the new assay has to be carried out, in order to be just and reliable.

Requesting the favor of an early reply,

I have, &c.,

SODEN.

[Inclosure 2 in No. 19.]

*Mr. Lincoln to Baron Von Soden.*

No. 322.]

UNITED STATES CONSULATE AT CANTON,  
July 5, 1877.

SIR: I have had the honor to receive your dispatch regarding a reessay of the current coins at this port.

I am fully convinced that such an assay would not prove beneficial to those whom I know it is your desire, as well as my own, to serve.

The assays heretofore made at this port of the American trade and Mexican dollar do not agree with the assays made in the United States of the same coins, these coins being declared here a little less fine than their true value, though, I understand, they are taken for customs duty and by all bankers and merchants at  $\frac{3}{8}$  fineness.

While it would be desirable to know the exact value of a Haikwan tael, I fear it is a thing not so easily ascertained, as I learn that by some strange arithmetical calculation, known only to those familiar with its working, the value of the Haikwan tael varies as much as the rates of exchange upon Europe or America.

I am, &c.,

C. P. LINCOLN,  
United States Consul.

[Inclosure 3 in No. 19.]

*Mr. Denny to Mr. Seward.*

No. 8.]

TIEN-TSIN, February 14, 1878.

SIR: In reply to your dispatch of the 5th instant, I have the honor to say that the American trade-dollar is not known as a circulating medium at this port. As you are aware, nothing will be received in payment of obligations in the interior but sycee silver or copper cash, and the same rule is also observed at this port in most all transactions. For this reason the larger proportion of Mexican dollars shipped to this port are converted into sycee, leaving very few in circulation.

The trade-dollar being of equal fineness with the Mexican and a trifle heavier in weight (its weight being 420 grains troy), and also more accurately and uniformly milled, there would be sufficient inducement for the Chinese to use it in preference to the Mexican, if coined money circulated here as it does in Western countries, by its nominal value rather than by weight or intrinsic value; but under the prevailing custom of circulating by weight alone, I do not see that any official action can be taken that would be of practical use to create or increase demand for our trade-dollars to any considerable extent in this part of the country. Greater familiarity with the new dollar will, perhaps, overcome the present strong prejudice of the natives in favor of the Mexican; but its circulation as a dollar would even then be limited, as the clean Mexican now is, to small transactions with foreigners.

I am, &c.,

O. N. DENNY, Consul.

[Inclosure 4 in No. 19.]

*Mr. Lord to Mr. Seward.*

No. 88.]

NINGPO, February 23, 1878.

SIR: In reply to your inquiries relating to the introduction of the trade-dollar at this port, I have to say that it has not been introduced here to any extent whatever. It would have been a great blessing if it could have been introduced, for we are suffering very great evils for the want of it, or something like it. The Mexican dollar, the only coin (Chinese cash excepted) now current here, is so uncertain in its value and so liable to be counterfeited that there is for us no end of trouble. And this trouble has greatly increased of late. There have been several attempts made here to coin this dollar by natives, and the work produced was so well executed that only shroffs, or experienced money-changers, could detect them. The value of some of them was also quite fair, being only short some 4 or 5 per cent.

I think the trade-dollar, or any other invariably good and well-executed one, would find great difficulty in coming into use here, without official action. Bankers and shroffs control the currency here, and it is for their interest to have this as defective and difficult as possible, so as to gain from those who are ignorant. For this reason the newly-coined or *bright* Mexican dollar is usually at a discount here.

I am inclined to think that if an arrangement could be made with the customs au-

thorities to take the trade-dollar in payment of dues and at a fair rate of exchange, it might be brought into use; and if, in addition, it could be made a penal offense for the Chinese to melt, deface, or counterfeit it, I think there would soon be a large demand for it.

The practical currency of this port now is the dollar. The tael is becoming more and more nominal, and the old method of keeping accounts and prices in cash is fast changing into dollars and cents.

I have, &c.,

EDWARD C. LORD,  
*United States Consul.*

---

[Inclosure 5 in No. 19.]

*Mr. Bandinel to Mr. Seward.*

No. 44.]

NEW CHWANG, February 27, 1878.

SIR: In reply to your excellency's dispatch No. 36, of the 5th instant, I have the honor to state: The trade-dollar has come into circulation at this port, but only to a very limited extent. It is sold at a premium, as a curiosity, to dealers from the interior, but can only be passed at a discount in general business. Official intervention would, I think, be undesirable, as tending to prejudice the Chinese commercial mind against anything thus recommended, unless, indeed, it would be proper to insist on the foreign customs taking them and Mexican dollars in payment of duties, tonnage dues, &c. At present they only accept dollars as matter of favor, not of right, and then at a discount on the market rate.

Dollars, with the above exception, are seldom used here, except for ships' disbursements and at the foreign stores, the native currency of the port and district being sycee (small and in shoes), copper cash, and tiao notes.

I have, &c.,

FRED'K BANDINEL,  
*Vice-Consul.*

---

[Inclosure 6 in No. 19.]

*Mr. De Lano to Mr. Seward.*

No. 98.]

FOO-CHOW, March 4, 1878.

SIR: I have to acknowledge the receipt of your dispatch No. 52, making inquiries about the circulation of the American trade-dollar at this port.

In reply I have to say that the annual import of the dollar, say for three years past, has been from 10 to 20 lacs. It is eagerly sought for by the Chinese when not mutilated, and when brought up from Hong-Kong without having been subjected to the process of "chopping," it is taken in preference to the Mexican dollar.

Upon first appearance of the trade-dollar here there was an effort made to place it at a discount of 2 per cent. as compared with the Mexican, but at my instance the Chinese authorities were induced to order it to be taken for customs duties at the same rate as the Mexican, also to issue public proclamations commending it to the people and forbidding its mutilation. This action had the effect to bring it into notice, and it is still looked upon by the natives with much favor.

I know of no official action which would tend to increase its circulation here, unless means could be taken to prohibit the chopping of it in Hong-Kong and Canton.

I am of the opinion that if official action could be taken to place it at par with the Mexican dollar at Shanghai, its circulation in China would thereby be increased fourfold.

I have the honor to be, sir, your obedient servant,

M. M. DE LANO,  
*United States Consul.*

---

[Inclosure 7 in No. 19.]

*Mr. Shepard to Mr. Seward.*

No. 18.]

HANKOW, March 8, 1878.

SIR: I have the honor to acknowledge your several dispatches, Nos. 41, 42, and 43. Referring to the first, I have to report, from inquiries of merchants and the bank I cannot learn that an American trade-dollar was ever seen in Hankow. The Chinese are very notional about "dollars," and while the "sun" dollar is taken without question, the "scale" dollar is at a heavy discount. As you know, both are Mexican, and

even the manager of the Hong-Kong bank tells me he does not know any real difference in their values. Intelligent compradores assert that if the trade-dollar were introduced the mandarins "would order it boiled chop-chop!" i. e., condemn it to be smelted. I have no doubt such would be the case, and I can, therefore, recommend no official action to create or increase a demand for it at this particular point. Its recognition as the standard at banking institutions and by native officials would doubtless pave the way for unquestioned circulation. I see no way to this result otherwise, except by the very slow process of gradual familiarity with the coin, extending from the great ports of Shanghai and Hong-Kong.

I am, &c.,

ISAAC F. SHEPARD,  
Consul.

[Inclosure 8 in No. 19.]

*Mr. Lincoln to Mr. Seward.*

No. 9.]

CANTON, March 9, 1878.

SIR: I had the honor to receive your dispatch No. 31, of 5th February, 1878, regarding the weight and circulation of the United States trade-dollar, on the 4th instant. Inasmuch as this coin is taken here at its actual fineness (900), I do not think it would be advantageous to have another assay.

Some months since, the German consul wrote me on the subject of assaying the coins in circulation here, as per copy of his letter marked "Inclosure No. 1."

After due consideration and consultation with my colleagues, I wrote him as per inclosure No. 2.

Regarding its circulation, I wrote the Department some time since, as per inclosure No. 3.

I am convinced that the trade-dollar is gradually increasing in circulation; that it is better liked than the Mexican. I find that in cases where money is hoarded up or laid by by the natives the trade-dollar is invariably selected.

Believing inclosures Nos. 2 and 3 give my views fully on the subject,

I have the honor to be, sir, your obedient servant,

C. P. LINCOLN,  
Consul.

[Inclosure 9 in No. 19.]

*Mr. Colby to Mr. Seward.*

No. 69.]

CHIN KIANG, March 12, 1878.

SIR: In response to the inquiry made in your No. 27, in regard to trade-dollars, I beg to say that there are none in circulation at this port, and from the best information I can gather on the subject, any effort to introduce them commercially would be attended with a considerable loss to the introducer, as they would not be received, except at a discount of at least 5 per cent. as compared with the Mexican dollar, now in universal use here.

I am, sir, your obedient servant,

J. C. S. COLBY,  
Consul.

[Inclosure 10 in No. 19.]

*Mr. Stahel to Mr. Seward.*

No. 619.]

SHANGHAI, April 3, 1878.

SIR: Referring to your dispatch No. 107, I have now the honor to inclose copy of a letter just received from the vice-chairman of the Shanghai Chamber of Commerce, to which body I applied for information on the subject, being myself so little acquainted with matters in China.

I have, &c.,

J. STAHEL,  
Vice-Consul-General.



[Inclosure to inclosure 10 in No. 19.]

*Chamber of Commerce to Mr. Stahl.*

SHANGHAI, March 30, 1878.

Your letter of 21st February on the subject of the introduction of the trade-dollar was briefly acknowledged on the 23d of the same month, and the committee has since gathered information which shows that there is no present prospect of inducing the natives to accept the coin, or of influencing official action on the part of the Chinese authorities to facilitate its recognition as a legal tender.

The dollar has been imported in small quantities and has failed to make its way, having always been refused at its full value, while application to the Tao-tai for assistance in introducing it has led to no result beyond a declaration of the inability of the officials to move in the matter, as the currency of this port for trade purposes is sycee silver.

Those parcels of trade-dollars which have been received have, therefore, been re-shipped to the south, where the coin is easier of exchange.

I have, &c.,

F. B. FORBES,  
Vice-Chairman.

[Inclosure 11 in No. 19.]

*Mr. Henderson to Mr. Seward.*

No. 77.]

AMOI, May 2, 1878.

SIR: I now have the honor to submit the following in reply to the inquiries made in your dispatch No. 46:

The American trade-dollar is and has been for more than two years past in use at the ports in this consular district, though not so extensively as the Mexican. At present it commands a premium to buyers of one and a half cents at the cash shops in Amoy, and payers everywhere have a decided preference for it. One thousand American trade-dollars are 1.23 $\frac{1}{2}$  too heavy, or over the weight of 72, Amoy currency. But for the universal and unrestricted tendency of people who have payments to make to procure and use the worst dollar that will pass, they might, for aught I can see, become the exclusive currency. They are better than the Japan trade-dollars, and neither the "tael" nor "dollar Spanish," have any existence in reality.

Any official action that would restrict or prevent the circulation of debased or mutilated coins, or those of lesser weight and value, would necessarily promote the use of the trade-dollar. Any measure of this kind would, however, encounter the opposition of the schroffs, money-brokers, and compradores, as well as those concerned for the moneys of other countries affected by it. If the Chinese Government could be induced to make it the only legal tender for customs duties, much would be gained for it, but this could not easily be accomplished, and might not be desirable. I have for a year past required all official fees at the consulate to be paid in clean trade-dollars, but the amount collected has been small, and no favorable influence of the plan can be perceived.

I am, &c.,

J. A. HENDERSON, *Consul.*

No. 92.

*Mr. Holcombe to Mr. Evarts.*

No. 20.]

LEGATION OF THE UNITED STATES,  
Peking, July 2, 1878. (Received September 2.)

SIR: I have the honor to inclose herewith a copy of a dispatch addressed by Prince Kung to Mr. Seward, proposing certain changes in the regulations for foreign trade upon the Yangtze River.

As the modifications suggested are manifestly to the advantage of

trade, I have replied to the prince assenting to them. I inclose a copy of my dispatch to him, and also of one in which I have notified the vice-consul-general of my approval of the changes in question.

Trusting that my course will meet with your assent,

I have, &c.,

CHESTER HOLCOMBE.

[Inclosure 1 in No. 20.—Translation.]

*Prince Kung to Mr. Seward.*

Prince Kung, chief secretary of state for foreign affairs, herewith makes a communication:

The circumstances under which the regulations for trade upon the Yangtze River were made were not the same in 1862 as now, and it hence becomes necessary to consider the present *status*, and to make certain slight modifications in those rules, in order that the facilities for trade may be increased and hindrances removed.

The third article of the regulations provides that if sea-going vessel be proceeding up the river beyond Chin Kiang, a pass will be issued by the Chin Kiang customs, which pass must be presented to the customs at Kiukiang for inspection, &c.

This regulation was enacted because, at the time, the rebels infested the country along the river. That whole country being now quiet, this office proposes, while leaving the original article in force, and while carrying it into effect upon lorchas and sailing-vessels, that in the case of sea-going steamers passing above Chin Kiang a pass shall be issued by the customs at that port, which must be presented for inspection at any port to which the vessel may proceed for purposes of trade. If the vessel in question does not trade at Wuhu or Kiukiang, she need not stop at those ports for inspection of her pass.

The fourth article provides that the tonnage dues leviable on any steamer holding a river pass shall be paid alternately at Chin Kiang, Kiukiang, and Hankow.

This office proposes that hereafter the tonnage dues leviable on any steamer holding a river pass shall all be paid to the customs at Shanghai.

The modifications proposed herein to the two articles mentioned have in view the convenience of commerce.

In addition to issuing the appropriate instructions to the local authorities; I have the honor to address your excellency, for your information in the business.

His Excellency GEORGE F. SEWARD, *Sec.*, *Sec.*, *Sec.*

PEKING, May 25, 1878.

[Inclosure 2 in No. 20.]

*Mr. Holcombe to Prince Kung.*

PEKING, June 15, 1878.

I have had the honor to receive your imperial highness's dispatch of the 25th ultimo, addressed to Mr. Seward, and informing him of certain proposed modifications to the regulations for trade upon the Yangtze River.

In response I beg leave to express my approval of the changes suggested, as they seem to be well calculated to promote the interests of commerce.

I shall at once notify the consul-general at Shanghai in order that he may issue the necessary notice to Americans concerned.

I have, &c.,

CHESTER HOLCOMBE.

[Inclosure 3 in No. 20.]

*Mr. Holcombe to Mr. Stahel.*

JUNE 21, 1878.

No. 122.]

SIR: I have received a dispatch from the Chinese foreign office, in which it is proposed to modify Articles III and IV of the revised regulations of trade on the Yangtze Kiang of November 10, 1862, as follows:

"ARTICLE III. While all the provisions of this article will be enforced upon lorchas

and sailing-vessels generally, it is proposed that, in the case of sea-going steamers passing above Chin Kiang, a pass be issued by the customs at that port, which shall be presented for inspection at any port to which the vessel may proceed for purposes of trade. If the vessel does not trade at Wuhu or Kiukiang, she need not stop at those ports for the examination of her pass.

"ARTICLE IV. Tonnage dues leviable on steamers holding river pass will hereafter be collected at Shanghai."

I have approved the proposed modifications of the regulations in question in so far as they affect American shipping.

I am, &c.,

CHESTER HOLCOMBE.

No. 93.

*Mr. Holcombe to Mr. Evarts.*

No. 21.]

LEGATION OF THE UNITED STATES,  
*Peking, July 2, 1878. (Received September 2.)*

SIR: Shortly prior to Mr. Seward's departure he received a letter from Mr. Comly, the minister resident of the United States at Honolulu, which letter, written at the instance of the attorney-general of the Hawaiian Islands, requested the good offices of this legation in behalf of two Chinese held in custody at Canton, under a charge of abducting their countrymen.

A duplicate of the letter, of which I inclose a copy herewith, was also received from the Department, under its instruction No. 224.

I now have the honor to hand to you a copy of an informal note which I addressed to Prince Kung, in compliance with the request of Mr. Comly and Mr. Seward's advice. I also inclose a copy of the prince's response. You will see that he received my representation courteously, and took prompt action upon it, promising also to inform me as to the nature of the report of his viceroy at Canton.

I have replied to Mr. Comly as per copy inclosed.

As it was stated in the letter which induced my action that the British representative at this capital would also be applied to for his good offices, I mentioned the business to Mr. Fraser before addressing the foreign office, but found that he had not received any request for his services.

I shall promptly inform the Department of any further developments in this matter.

Hoping that my action as detailed herein will meet with your approval,

I have, &c.,

CHESTER HOLCOMBE.

[Inclosure 1 in No. 21.]

*Mr. Comly to Mr. Seward.*

UNITED STATES LEGATION,  
*Honolulu, Hawaiian Islands, March 9, 1878.*

SIR: I have received to-day an unofficial letter from Mr. Alfred S. Hartwell, attorney-general of this kingdom, stating that he is requested by Ah Lee, of Chulan & Co., of this city, to assist his partner, Wong Kwai, now in China, in a charge made against

him of abducting Chinese, to be used here as slaves or coolies. Mr. Hartwell states that he is informed that letters were written from here by some person hostile to Chulan & Co., to the effect that Chinese immigrants brought here by Chulan & Co. are not allowed their freedom here, which letters led to a publication in a Hong Kong newspaper, No. 3674, of January 18 last, suggesting that the matter be inquired into, which was followed by the arrest of Wong Kawi's son, Tin Chong, and his brother, Wong Chin Chee, by the governor of Canton. Also that Mr. T. H. Davies, the acting British consul-general here, has written to the British Government at Hong Kong and the British minister at Peking in behalf of Chulan & Co. in this matter, informing them of the following facts, viz:

That Wing Woo Yneu, Chulan & Co.'s agents at Hong Kong, have consigned to Chulan & Co. here as follows:

1873. Benvoick; arrived October 4; 20 passengers.

1874. Koik; arrived May 27; left Hong Kong April 2; 109 passengers.

1876. Colombo; arrived June 10; left Hong Kong April 12; 181 passengers.

1876. Willard Mudgett; arrived September 16; left Hong Kong July 5; 336 passengers.

That these passengers paid their passage-money, some here, some in Hong Kong, some \$35, some \$50, and some have not paid yet; and that all were and are free in this country. Some have entered into written contracts for labor here, but all acting their own volition; suggesting to the British officials an inquiry at the Chinese hospital, of which Li Tuk Chang is manager, called Tung-wa-i-in, as to information concerning the letters which caused this trouble, taking Wong Woo Yneu with them in such inquiry, and requesting the friendly services of the British governor and minister for Wong Kwai and his son and brother; also, that a certificate of the facts above mentioned has been prepared and signed by the principal foreign merchants of this city to be sent to the Canton authorities. I am also informed that a telegram will be sent from the Hawaiian consul at San Francisco to the Hawaiian consul at Hong Kong, to obtain, if possible, a delay of all proceedings until receipt of advices from here.

And I am requested, in behalf of Chulan & Co., to write to you to the same effect as Mr. Davies has written. I write, of course, unofficially to yourself, but as time is pressing, I send you this letter directly, and shall forward a copy through the State Department.

I am confident that anything which you think it proper to do to remove any misapprehension on the part of the Chinese authorities in this matter will be very highly appreciated, not only by Chulan & Co., but by all Americans and other foreigners residing here.

The laws of this kingdom furnish, I think, full protection to the property and person of all, and permit no discrimination or abuse against those of the Chinese or any other nationality.

I have, &c.,

JAMES M. COMLY.

[Inclosure 2 in No. 21.]

*Mr. Holcombe to Prince Kung.*

[unofficial.]

PEKING, June 27, 1878.

I have the honor to inform your Imperial Highness that I am in receipt of a letter from the United States minister at the Hawaiian Islands, in which, at the request of the attorney-general of that kingdom, he desires me to call the attention of your Imperial Highness to the arrest by his excellency the viceroy of Canton of two persons named Wang, Chinese subjects, upon the charge of abducting Chinese to be used in those islands as slaves or coolies.

It is stated in this letter that the attorney-general is informed that the firm of which the two persons named Wang are members have sent, in the last five years, about 500 Chinese passengers to the Hawaiian Islands; that these paid their own passage-money, some \$35 and some \$50 each, and that they all were and are free; that some have entered into written contracts for labor, but all acting of their own volition. He also suggests that inquiries be made at the Chinese hospital Tung Hua Yi Yüan, of which Li Te Chang is manager, for information as to the cause of the trouble and the facts in the case. He also states that the principal foreign merchants of the islands have prepared a paper setting forth the facts as to the treatment of the Chinese, which is to be forwarded to the Canton authorities.

The United States minister adds that the laws of the Kingdom of Hawaii furnish, in his opinion, full protection to the person and property of all, and permit no discrimination or abuse against those of the Chinese or any other nationality.

I beg leave to call the attention of your Imperial Highness to these statements, and to request that such action be taken in the premises as your Imperial Highness may deem best calculated to promote the ends of justice.

I have, &c.,

CHESTER HOLCOMBE.

---

[Inclosure 3 in No. 21.]

[*Prince Kung to Mr. Holcombe.*]

Informal.]

PEKING, June 27, 1878.

I have had the honor to receive your note stating that you were in receipt of a communication from the United States minister in the Sandwich Islands, in which he states that he is informed by the attorney-general of the islands, of the arrest of two Chinese named Wang, by the viceroy of Canton, upon a charge of abducting Chinese to be used in those islands as slaves or coolies; that in the past five years the firm of which the persons named Wang are members have sent about 500 Chinese passengers to the Hawaiian Islands, all of whom paid their passages, and that all were and are free; you beg leave to call my attention to these statements, and you request that I will take such action in the premises as may be best calculated to promote the ends of justice.

In reply I beg leave to inform you that a copy of your note has been sent to the viceroy of Canton, with instructions to examine into the matter. When his report shall have been received, I shall have pleasure in addressing you again in the matter.

Cards and compliments.

---

[Inclosure 4 in No. 21.]

*Mr. Holcombe to Mr. Comly.*

PEKING, July 2, 1878.

SIR: Your letter of March 9, addressed to Mr. Seward, and asking his good offices in behalf of two Chinese, arrested by the viceroy of Canton upon a charge of abducting their countrymen to be used in the Hawaiian Islands as slaves or coolies, was received by him at the moment of his departure for the United States. He much regretted his inability to attend to the matter in person.

In conformity alike with your desire and his advice, I addressed an informal note to Prince Kung, who is at the head of the foreign office here. I inclose a copy of my note and of the response which I have received from his imperial highness.

You will notice that the prince promises to address me again upon receipt of a report from the Canton viceroy, to whom he has sent a copy of my letter.

I will not fail to keep the business in mind, and to take such action as I can with propriety in it. I shall also take pleasure in furnishing you with such further information as I may receive from the foreign office here.

I have, &c.,

CHESTER HOLCOMBE.

---

No. 94.

*Mr. Holcombe to Mr. Evarts.*

No. 22.]

LEGATION OF THE UNITED STATES,  
Peking, July 3, 1878. (Received September 2.)

SIR: I have the honor to hand to you copies of letters which have passed between the foreign office and this legation, from which you will learn that the Chinese Government has appointed a minister to Russia.

Chung How, the person to whom the appointment has been given, is at present acting military governor of Manchuria, and a member of the

foreign office. He was placed at the head of the mission sent by the late emperor to Paris in 1870 to express the regrets of this government for the Tientsin massacre, and gave great satisfaction to the Chinese by the manner in which he discharged his duties. He is much higher in rank and influence than any of the ministers hitherto sent abroad by the Chinese. This is, perhaps, to be accounted for by the fact that the recent successes of the Chinese army in Kashgar have brought those troops and the Russian forces face to face, and developed some delicate questions. There are also some complications between China and Russia with regard to the boundary of Ili.

It is understood that Chung How is to depart at once upon his mission.

I have, &c.,

CHESTER HOLCOMBE.

[Inclosure 1 in No. 22.—Translation.]

*Prince Kung to Mr. Holcombe.*

Prince Kung, chief secretary of state for foreign affairs, herewith makes a communication.

Upon the 22d instant I had the honor to receive an imperial decree, in the following terms:

"Let Chung How, senior vice-president of the board of civil office, be appointed as our envoy to Russia.

"Respect this."

I beg leave to communicate to you a copy of this edict for your information.

CHESTER HOLCOMBE, Esq., &c., &c., &c.

PEKING, June 23, 1878.

[Inclosure 2 in No. 22.]

*Mr. Holcombe to Prince Kung.*

JUNE 24, 1878.

I have the honor to acknowledge the receipt of your Imperial Highness's dispatch of yesterday, covering copy of an imperial edict, by which Chung How, senior vice-president of the board of civil office, is appointed to be His Majesty's envoy to Russia.

I have, &c.,

CHESTER HOLCOMBE.

## COLOMBIA.

No. 95.

*Mr. Evarts to Mr. Dickman.*

No. 12.]

DEPARTMENT OF STATE,  
Washington, November 12, 1878.

SIR: I inclose herewith for your information copy of correspondence had with the minister of the interior and of foreign relations of the United States of Colombia, prior to the reinstatement of the United States legation at Bogotá, touching the release, by the order of the Colombia Government, of one C. G. Scrafford, who, being accused of the commission of a forgery in the State of Kansas, and having fled to Peru, was extradited from that country in pursuance of the existing treaty, and was being conveyed to the United States, by way of the Isthmus of

Panama, in charge of a duly-commissioned officer of the United States at the time of the release complained of.

In the note addressed to the Colombia foreign secretary on the 22d of April last, regret was expressed that the governor of Panama should have taken the step he did in this matter; a step which, under the circumstances, was regarded as at variance not only with international courtesy, but also with the spirit of the treaty of 1846 between the United States and New Granada, now in force with Colombia, and attention was called to the thirty-fifth article of that instrument, providing for the guaranteed neutrality of the isthmus and the absolute right of way across the same for all persons either in the service of this government or subject to its orders.

This government has given careful consideration to the note of his excellency the secretary of the interior and of foreign relations of the 1st of July ultimo, but, even after according to his excellency's views all the weight due to their elevated character and their foundation upon the constitutional laws of the Republic of Colombia, it is still felt that there is good ground for regret that so rigid and literal an interpretation of those laws should have been followed in the case in question, in opposition to the general practice and comity of nations.

His excellency cannot be unaware that the conveyance of an extradited criminal from the country whence he is surrendered to that which reclaims him, across the territory of an intervening state, is a common occurrence, notwithstanding that no offense has been committed and no legal formality of arrest followed in the jurisdiction of the state through which he may pass, and that this is done not in pursuance of the stipulations of treaties or the provisions of domestic law, but as a recognition of the just effect of the laws and treaties of foreign states in matters within their competence, which recognition pertains to the sovereignty of an independent state and is exercised as an act of international comity.

It is not perceived that his excellency's citation of the 10th article of the federal constitution prescribing the formalities of interstate extradition within the territory of the union has any determinate bearing on the present question, inasmuch as it is in no case possible for the arrest of a criminal in a third country to conform to the guarantees of individual rights enumerated in the Colombian constitution.

The article cited has express reference only to offenses committed and arrests made within the territory of the United States of Colombia.

Neither is it evident that his excellency's justification of the release of Scrafford by the non-existence of a treaty of extradition between the United States of America and the United States of Colombia is of the essence of the question, especially as his excellency proceeds to assert that the case in point was not one "of the extradition of an individual residing in the territory of Colombia, but of permitting the conveyance across the isthmus of a foreigner who had been arrested according to foreign laws."

It is hoped that the Government of Colombia, upon reconsideration of this point, will not insist upon a construction at variance with usage as well as calculated to thwart the ends of justice by securing immunity to a criminal through a legal technicality.

On the other hand, in the interest of a full understanding of the matter on its merits, this government is prepared to admit frankly that in conveying the extradited prisoner across the territory of Colombia without the previous consent of the government having been asked and given, it prejudiced any right it might have had to seek the exemption

of the prisoner from the operation of the local law within the jurisdiction of which he was brought under the stress of circumstances.

Had such consent been asked, however, it is conceived that the Republic of Colombia would have felt constrained to grant it in the same manner as is done in like cases by other states whose constitutional codes are as mindful of individual rights as is that of Colombia, independently of the peculiar conditions under which official transit across the isthmus rests by reason of the neutrality and freedom guaranteed by treaty.

You will represent these views to the secretary of the interior and for foreign affairs, and invite his earnest attention thereto, to the end that a common accord may be reached on this point, in the interest of justice and in conformity with international usage. You may say to him that the subject is regarded as one of especial importance, in view of the frequency with which cases of extradition arise between this country and those South American countries whose direct channel of communication with this, lies across the Isthmus of Panama.

In a case which has recently occurred it has been deemed necessary, in order to avoid a failure of justice like that in Scrafford's case, to dispatch a national vessel to the Pacific coast of South America to bring direct to a port of the United States a fugitive from justice whose extradition has been asked.

Due heed has been given to the suggestion of the secretary of foreign affairs looking to the conclusion of a treaty of extradition between the United States and Colombia. In pursuance of its general policy of extending its international relations for the common good, this government has neglected no fitting opportunity of late years to enter into conventions with foreign powers for the mutual extradition of fugitives from justice.

If such a treaty with the United States of Colombia will operate to prevent the recurrence of a case like that of Scrafford's release *in transitu*, there is no objection to its conclusion. It is necessary, however, before proceeding further in the matter, that the two governments shall be in accord on this point. You will accordingly confer with his excellency on this subject and ascertain his precise views.

In order that you may acquaint him with the character of such a treaty as would be acceptable to this government, I inclose herewith copies of several recent treaties of extradition with foreign powers. If one be entered into with Colombia, it should, if possible, be so formed as to permit of the extradition of Scrafford, should he still be within Colombian jurisdiction when such treaty may take effect.

The general principle of opposition to an *ex post facto* act is not regarded as applicable in this instance, since the criminal character of the act for which extradition is sought does not flow from the treaty of extradition, but from an antecedent criminal law. This principle is recognized by foreign legislation, as, for instance, in France. It is not to be forgotten that Scrafford is not a fugitive in Colombia territory through his own conscient act, but owes his liberation there and consequent present immunity to the act of the government of the country, and it may well be urged that the Government of the United States has a valid claim to the consideration of that of Colombia in this regard.

You will inform the Department at as early a day as may be practicable of the result of your conference with the secretary of foreign affairs, and should there be a satisfactory prospect of the conclusion of an acceptable treaty of extradition between the two countries, the necessary full power to conclude and sign the same will be sent to you.

I am, &c.,

W. M. EVARTS.



[Inclosure 1 in No. 12.]

*Mr. Evarts to the minister for foreign affairs of Colombia.*DEPARTMENT OF STATE,  
Washington, April 22, 1878.

SIR: It is with pain my duty requires me to announce to you that this Department has been officially informed of the discharge by the governor of the State of Panama of a prisoner named C. G. Scrafford, who, being charged with the crime of forgery in the State of Kansas, one of the States of this Union, fled to Peru, whence his extradition was demanded and granted pursuant to the treaty between the United States and Peru on that subject. Scrafford was on his way to this country in the custody of the vice-consul of the United States at Callao, when he was discharged in the manner referred to. I am consequently directed by the President of the United States to inform you that he deeply regrets that the governor of Panama should have taken the step he did in this matter, a step which, under the circumstances, must be regarded as at variance not only with international courtesy, but also with the spirit of the treaty of 1846 between the United States and Colombia. That instrument, as you are aware, imposes a weighty obligation on this government, in return for which we must expect a liberal construction by the Colombian authorities of the advantages which it promises to the United States. Foremost among these is the right of passage across the Isthmus for all persons either in the service or subject to the orders of this government. The 35th article guarantees to us the right of way and declares that it shall be open and free to the Government of the United States.

I avail, &amp;c.,

WM. M. EVARTS.

[Inclosure 2 in No. 12.—Translation.]

*The minister of foreign affairs of Colombia to Mr. Evarts.*UNITED STATES OF COLOMBIA,  
DEPARTMENT OF THE INTERIOR  
AND OF FOREIGN RELATIONS,  
Bogota, July 1, 1878. (Received September 5.)

I have laid before the President of the Union the note of your excellency of April 22, 1878, in which you state that your department has been officially informed that, by order of the president of the sovereign State of Panama, C. G. Scrafford, who was charged with the crime of forgery in the State of Kansas in your republic, and who has fled to Peru, whence his extradition was obtained in pursuance of the treaty governing such cases which exists between the two nations, had been set at liberty.

Your excellency expresses the deep regret that has been caused to your government by this proceeding, which, in view of the circumstances, it considers to be in violation not only of international courtesy, but also of the spirit of the treaty of 1846 between the American Union and Colombia.

In reply, and in obedience to instructions which I have received from his excellency the President, I have the honor to inform your excellency that the executive of the nation has approved the measure adopted in this case by the government of the sovereign State of Panama, it being in accordance with article 15 of the national constitution, paragraph 4, which is as follows:

"ARTICLE 15. An essential and invariable basis of the union between the States is the recognition and the guarantee by the general government, and by the governments of each one of the States, of the individual rights which belong to the inhabitants of and to travelers through the United States of Colombia, viz:

"4th. Personal safety, so that it shall not be violated with impunity by another individual or by the public authorities, and that no one shall be arrested or detained save on account of some criminal act or by way of correctional penalty, or tried by extraordinary commissions or courts, or punished without having had a hearing in court, and all this in virtue of pre-existing law."

The same constitution is so jealous on this subject, that even when common crimes committed in any State of the Union are concerned, it provides the following conditions for the extradition of the guilty party:

"ARTICLE 10. It is obligatory upon the authorities of each State to surrender to the authorities of that one in which a common crime has been committed, the person whose surrender is demanded, and for whose arrest a warrant has been issued not in violation of the individual rights enumerated in Art. 15 of this constitution; which shall be proved by the necessary documents accompanying the warrant of arrest."

As no treaty for the extradition of criminals exists between the two republics, the time had not arrived to permit on our soil the detention of a foreign citizen, who, according to our laws, had committed no criminal act for which he could be brought to trial, and who could not be arrested by way of correctional penalty.

Even if such a treaty had existed, your excellency will observe that it would not have been applicable to the present case, since the question was not of the extradition of an individual residing in the Territory of Colombia, but of permitting the conveyance across the Isthmus of a foreigner who had been arrested according to foreign laws.

The provisions contained in article 35 of the treaty between the two republics are not applicable to the case of Scrafford, because they refer exclusively to free transit and to the commercial privileges which have been granted to American citizens and to their goods.

If your excellency will attentively consider the terms of those exemptions, I do not doubt that you will reach the conclusion without any difficulty whatever, that they do not include the concession of equal facilities for the transportation of a foreigner arrested in virtue of judicial orders issued in a foreign country.

The Government of Colombia has been pained to learn that that of the American Union has regarded the measure adopted in this matter by the executive of the sovereign State of Panama as not being in accord with the spirit of the treaty of friendship now existing between the two republics, or with the liberality of the franchisees which the two nations should reciprocally grant to each other, but it feels confident that the foregoing explanations will be found perfectly satisfactory.

This incident being thus terminated, I think proper to inform your excellency that there would be no objections on the part of Colombia to concluding a treaty for the extradition of criminals with the United States, in order to avoid in future the repetition of an occurrence like that which recently took place on the Isthmus.

With sentiments of consideration, &c.,

FRANÇO J. ZALDUA.

## DENMARK.

No. 96.

*Mr. Cramer to Mr. Evarts.*

No. 434.]

LEGATION OF THE UNITED STATES,  
*Copenhagen, August 18, 1877. (Received September 3.)*

SIR: Referring to my dispatches Nos. 423 and 424, of the 9th and 14th of April last, in relation to the unsatisfactory state of public affairs in consequence of the failure of the two houses of the Rigsdag during its late session to agree upon a financial law, and of the promulgation by the King, upon the advice of his ministers, of such a (provisional) law, &c., I have now further to inform you that public feelings are still in a state of excitement on the subject. Both political parties (the national liberal or ministerial party, and the united left or peasant's party) are as unyielding and determined as ever.

At a series of political meetings that have been held during the course of the summer at various points throughout the kingdom, the speakers of the latter party denounced the provisional financial law as unconstitutional, while the speakers of the former party in a measure defended it; though they generally limited themselves to the declaration that it is the business not of political speakers, but of the "rigsret" (a court specially created for deciding constitutional questions) to determine the constitutionality of said law. But whenever political papers or speakers used language derogatory to the honor or character of the King or ministry, the latter caused immediately suits for slander to be instituted at the proper courts against such offenders.

In this connection it may be well to state that, up to the present time, no excesses or riots have taken place. The people throughout the kingdom are generally quiet and law-abiding. Only two or three persons, so far as I am aware, have refused to pay taxes on the plea that the financial law was unconstitutional; but they were compelled by the proper courts to yield. It is a strange political phenomenon that in Denmark the people in cities and larger towns are generally conservative, *i. e.*, on the side of the executive government, while the people of the rural districts are generally radical and belong to the opposition party. In France, and, to some extent, in Germany, the reverse is the case. A careful observer will discover the existence in Denmark of two political counter-currents: 1, a dissatisfaction with and private denunciation of universal suffrage on the part of the wealthy and cultivated classes; and, 2, a radicalism, leaning strongly toward republicanism, on the part of the peasants and the laboring classes. It is not likely, however, that it will ever come to an open or violent collision between these two classes, because the executive government is not only prompt and determined to suppress any and every attempted revolt, but has also the means at its disposal to do so, while that class of the population who, from their known character and wishes, might be expected to venture upon such an enterprise, have a wholesome dread of coming into collision with *armed* authority.

I have, &c.,

M. J. CRAMER.

---

No. 97.

*Mr. Cramer to Mr. Evarts.*

No. 446.]

LEGATION OF THE UNITED STATES,  
*Copenhagen, November 20, 1877. (Received December 11.)*

SIR: Referring to my dispatch No. 424, of the 14th of April last, in which, among other things, I informed you that the Danish Rigsdag having failed to pass the regular financial law for the current fiscal year (April 1, 1877, to March 31, 1878), the King had issued, on the 12th of that month, a "provisional financial law" on the basis of Article XXV of the Danish constitution, I have now the honor to further inform you that, after the minister of finance had laid before the Rigsdag (which was opened on the 1st ultimo) the said "provisional financial law" for approval or rejection, it was, after several days' debate, rejected by the opposition majority of the lower house. During the debate the minister of finance declared that in case said law was rejected and the Rigsdag failed to pass a regular financial law, the executive government would again be compelled by the exigency of the public service to issue a new "provisional" one, and that but twenty-four hours could be given from the time of the rejection of the "provisional law" till the time of the adoption of a "regular law." As both political parties had a desire to get out of this "provisional state," both houses of the Rigsdag united within the given time in adopting a "financial law *ad interim*"; but it is to be in force only until December 31 next. The provisions of this law are substantially the same as those contained in the "provisional law," a few slight modifications only having been made.

It is doubtful whether the two houses of the Rigsdag will be able to unite in adopting a regular financial law for the current fiscal year, and

the probability is that after the 31st of December next the present "*ad-interim* law" will be continued in force until the close of the fiscal year. Nor is there at all any prospect of both houses of the Rigsdag uniting upon a regular financial law for the fiscal year April 1, 1878, to March 31, 1879, unless the leaders of both political parties are willing to make mutual concessions. In the mean time peace and quiet reign throughout the kingdom.

Although the leaders of the opposition have denounced the "provisional financial law" as "unconstitutional" and "illegal" they have as yet shown no signs of their intention to impeach the ministry for countersigning it. Nor is it at all likely that they will take such a step, as it is an "open secret" here that the rigset, the tribunal before which impeachment cases are to be tried, would, in all probability, acquit the ministry of the charge of having violated the constitution by consenting to the issue of a "provisional financial law" and countersigning the same.

The gist of the political troubles in Denmark is this, that the leaders of the opposition party, which party has a majority in the lower house of the Rigsdag, aim at introducing a purely parliamentary form of government similar to that of Great Britain, to which neither the King nor the conservative party, which party has a majority in the upper house, will consent, because the constitution, they say, does not contemplate such a form.

I have, &c.,

M. J. CRAMER.

-----  
No. 98.

*Mr. Cramer to Mr. Evarts.*

No. 460.]

LEGATION OF THE UNITED STATES,  
*Copenhagen, March 1, 1878. (Received March 19.)*

SIR: Referring to my dispatch No. 458 of the 12th ultimo, contradicting the report of the contemplated occupancy by Danish troops of Schlesvig, &c., I have now the honor to further inform you that the Danish minister of foreign affairs, having recently been questioned on the subject by a member of the Rigsdag, took occasion, in a public session of said Rigsdag, not only to deny the truth of said reports in the most formal manner, but also to warn the public against giving credence to similar reports that have been or may yet be invented and circulated by unscrupulous newspaper reporters. He also expressed both the hope and likelihood of Denmark being able to keep herself aloof from the present European complications.

Equally wanting in truth are more recent reports, according to which Denmark and Sweden-Norway intend conjointly to participate in the great politico-diplomatic questions of the day, and thus force the so-called "North Schlesvig question" upon the attention of Europe for a final settlement.

Although the Swedish Government has not seen fit, so far as I know, to formally deny this report, yet the Swedish-Norwegian Correspondence, a journal of influence and standing, and generally well informed on home affairs, published in Stockholm, utterly repudiates it as having not the slightest foundation in fact or truth.

I am, &c.,

M. J. CRAMER.

No. 99.

*Mr. Cramer to Mr. Evarts.*

No. 466.]

LEGATION OF THE UNITED STATES,  
*Copenhagen, April 3, 1878. (Received April 22.)*

SIR: I have the honor to inform you that on the 30th ultimo the ordinary annual session of the Danish Rigsdag was closed by order of the King.

Compared with those of the preceding session, the legislative results of the late session indicate some progress, though, it must be admitted they are still meager.

A financial law acceptable to the executive government was passed by both houses of the Rigsdag, though the amounts requested for the various items, especially those for purposes of fortifications, new war-vessels, &c., have been greatly reduced. No posts, except one in the domestic service, have been abolished, nor the salaries of officials reduced, but rather in some cases increased.

Denmark has thus peaceably emerged from the constitutional crisis described in my dispatches numbered 405, 423, 424, and 434.

The Rigsdag, in its ordinary session of 1876-'77, having failed to pass a financial law in a form acceptable to the executive government, the King, by the advice of his ministers, issued a "provisional financial law" on the 12th of April, 1877, to be in force until a "regular" one was adopted by the Rigsdag. This "provisional financial law" was submitted to the lower house of the Rigsdag at the beginning of its session in October of last year, but it was rejected by a large majority of that house on the 7th of the following November. (The proclamation of the King by which that provisional financial law was issued, together with the article of the Danish constitution upon which it was based, are given in my dispatch No. 424 of April 14, 1877.) The president of the ministry had, however, a few days before its rejection, informed that house that if it rejected that law, and did not within 24 hours pass another financial law containing the same provisions as the "provisional" one, the ministry would again be compelled to advise the King to issue a new "provisional financial law."

In order to prevent such a calamity—if calamity it may be called—the two houses of the Rigsdag within the space of 24 hours agreed upon and passed a so-called "temporary" financial law, which was to take the place of the rejected "provisional" one. The said "temporary" law was to be in force until the 1st of January of the present year; but on the 19th of December last it was prolonged until the close of the fiscal year, viz, March 31, 1878.

In thus voting for the "temporary" financial law, containing the same or similar provisions as the rejected "provisional" one, the lower house, however, distinctly declared that this action on its own part was by no means to be considered as a vote of confidence in the ministry, but that it now had the right to request the resignation of the latter. This request has, however, not yet been complied with, the ministry enjoying the full confidence of the King.

It is somewhat surprising that the opposition party, while it has at least a two-thirds majority in the lower house, has as yet taken no steps looking toward the impeachment of the ministry for having counter-signed the "provisional financial law," though the leaders of that party have repeatedly denounced that law as unconstitutional, and accused the ministry of having violated both the constitution and their oath of

office. The reason for this neglect seems to be found in the universal belief that, in case the ministry should be impeached by the lower house, it would, singly and collectively, be unanimously acquitted.

Another noteworthy fact is that, while the financial law for the current fiscal year was under consideration, the so-called "united left," or opposition party, in the lower house was split into two groups. During the course of the debate it became evident that the extremists of the opposition party labored hard toward bringing about the rejection of the financial law, without, however, suggesting a plan for escaping another constitutional crisis. The leaders of the right, or of the governmental party, in the upper house (which party has more than a two-thirds majority in that house) approached the more moderate members of the opposition party in the lower house, and, wishing to avoid such a crisis, suggested a compromise. The subject was referred to a joint committee of both houses, who, after a few weeks' deliberation, proposed a compromise in a form acceptable to the executive government and to a majority of the members of both houses of the Rigsdag. By this action another constitutional crisis was avoided, but by it was also split the opposition majority in the lower house. It is a good omen for a better constitutional and political life in Denmark in the near future, for during the past eight years it has been anything but satisfactory to the people.

I am, &c.,

M. J. CRAMER.

---

No. 100.

*Mr. Cramer to Mr. Evarts.*

No. 472.]

LEGATION OF THE UNITED STATES,  
Copenhagen, May 10, 1878. (Received May 29.)

SIR: I have the honor to inform you that yesterday at 12 o'clock m. a newly-built iron-clad war-vessel was launched at the royal dock-yard near this city, in the presence of the King, the royal family, the diplomatic corps, and many naval, military, and civil officers, all of whom had been specially invited to attend, "*en gala*," the imposing ceremony. The occasion furnished a holiday to the people of the city. Said iron-clad, *Helgoland* by name, given it in honor of the sea-fight near the isle of *Helgoland* on the 9th of May, 1864, is a casemated ship of 5,350 tons displacement, and will be armed with four 26-centimeter and one 30½-centimeter breech-loading Krupp guns, besides a number of guns of smaller caliber. It is built entirely of iron, is 250 feet long and 57½ feet wide amidships, and draws 18 feet water. Its armor-plates vary in thickness from 12 inches to 4 feet, and has an apparatus for projecting Whitehead torpedoes. It is altogether the largest and strongest war-vessel of the Danish navy, and large hopes are built upon its efficiency in case Denmark should become involved in a war.

In this connection it may be of interest to you to be informed that, in the event of a war between Great Britain and Russia, the Danish Government would—so it is reported in several leading Danish newspapers—issue a proclamation of neutrality, based upon the principles contained in the Danish and Swedish-Norwegian proclamation of neutrality, issued at the breaking out of the Crimean war in 1853. This latter proclamation, among other things, reserved to Denmark the right of closing its harbors against the war-vessels of the several belligerents.

Another important measure adopted by the Danish Government is the following: During the past twelve years a part of the Danish army were annually, during the summer months, in camp at Hald, in Jutland, for drilling and maneuvering purposes. But, on account of the present critical state of affairs in Europe, the government has decided not to scatter the army over the whole kingdom, but to concentrate it near its capital. Hence, the army maneuvers for the approaching summer will take place in a camp prepared for that purpose near this city. The government wants to be prepared for any emergency, as regards either the maintenance of a strict neutrality in the event of a war between the two powers named above, or the free self-determination, in case either one of these powers should either encroach upon the country's right or attempt to coerce it out of its neutrality. For this reason it has also decided to put its war-navy into a state of readiness, for which purpose the Rigsdag at its late session voted a special sum of money. Altogether, there is great uneasiness felt here among the people on account of the critical state of affairs between Great Britain and Russia, and the possible if not probable outbreak of a war between them. As for the sympathy of the public in this case, it is almost universally on the side of Russia.

I am, &c.,

M. J. CRAMER.

---

No. 101.

*Mr. Cramer to Mr. Evarts.*

No. 487.]

LEGATION OF THE UNITED STATES,  
*Copenhagen, November 4, 1878.*

SIR: In relation to the recent negro revolt at Santa Cruz, Danish West Indies, referred to in my dispatch No. 486, of the 28th ultimo, I have now the honor to communicate to you the following facts:

On the 1st of October last, it being the time for the annual renewal of the labor contract between the plantation owners and the negro laborers, the latter appear to have refused to renew the contract for a year's labor, and at the same time to have demanded higher wages; a demand which was not only refused by the former, but answered by a partial reduction thereof. The negroes, having apprehended such a reduction, and being under the influence of liquor, gave the signal for a revolt, the particulars of which have no doubt been communicated to you by the United States consul at Saint Thomas. The revolt was quelled by the authorities of the Danish West Indies, without their being obliged to avail themselves of the proffered assistance of French and British war-vessels that were or arrived at Santa Cruz during the revolt, but not before much property had been destroyed by the rioters. According to statistics published in the semi-official journal of this city, of eighty sugar plantations, the works of forty-three have been destroyed. The average loss sustained by the destruction of works, implements, sugar, molasses, rum, &c., is calculated to amount to \$4,000 per plantation, the amount of loss sustained by the destruction of dwelling-houses not included. The town of Fredericksted has suffered much, one-half of the estimated value of its real estate having been destroyed by fire, besides \$150,000 worth of sugar, molasses, and rum that had been stored in its warehouses.

Drought and scanty harvests during the past few years, as well as

the recent negro revolt, have almost hopelessly ruined the island of Santa Cruz. While the liberal contributions of the mother-country may temporarily alleviate the distress of the unfortunate sufferers, it is a mooted question whether that island will ever regain its former prosperity.

Your No. 269, of the 18th ultimo, as well as two volumes of "Report upon the Commercial Relations of the United States with Foreign Countries for the year 1877," have been received.

I am, &c.,

M. J. CRAMER.

## FRANCE.

No. 102.

*Mr. Noyes to Mr. Evarts.*

No. 18.]

LEGATION OF THE UNITED STATES,  
*Paris, October 19, 1877. (Received November 3.)*

SIR: The general election for the new Chamber of Deputies took place on the 14th instant, with the result which had been anticipated by every calm and close observer of the current of public opinion. The Republicans carried the day. Their majority is not as large as it was by them expected to be, and as it would have been if the most extraordinary official pressure had not been brought to bear against their candidates; but it is still a strong and powerful majority. They have already 316 seats in a house composed of 533 members in all.

The government deputies are divided into three groups: the Bonapartists, who number about 115 or 120, and the Legitimists and Orleanists, having together about 80 votes. In the former house the Republicans stood 363 to 158. The Bonapartists had 90 votes; the Monarchists (Legitimists and Orleanists) 68. The Bonapartists have, therefore, gained some 25 seats and the Monarchists about one dozen, while the Republicans have lost 45 or 50 members. This, however, represents the state of things only as it is now. When the house shall organize some changes will take place, which probably will be to the advantage of the Republicans. In the first place, many of the seats of the Conservatives will be contested, and as the Republicans have the majority, and are not wanting for grounds of complaint, it is certain that at last the contests will end in their favor. Besides, in thirteen districts where no candidate had the required majority a new election is to be held, and it is reasonable to suppose that the Republicans will have at least one-half of these seats. Everything, therefore, points to this conclusion, that when the chamber shall be fully organized the Republican majority will be nearly as strong as it was in the last house.

The appeal to the country made by the Marshal having resulted in an unqualified condemnation of his policy, the question, "What will he do now?" occupies every one. Some people think he will retain his cabinet, defy again the chamber, and dissolve it a second time if the budget is not voted at once. For my part I doubt very much that such a bold and exasperating course will be taken. Had the President been beaten, as the opposition contended he would be, had his party lost seats instead of gaining some, it is possible he would have been led to some arbitrary act of resistance. But though he is defeated, his defeat is of such a character as to allow him to make some concessions without



humiliation. I know from good authority that among his close friends, and even in his cabinet, the question of a change of ministry has been freely discussed and urged warmly by those who fear the complications and the dangers which would attend an open resistance to the majority. The titles and antecedents of all the Republicans of moderate tendency who could occupy a cabinet position without being too obnoxious to the Conservatives have been examined, and unofficial negotiations have begun to ascertain to what extent the proposed change, if it is made, would be satisfactory to the opposition.

There are certainly in the immediate surroundings of the President men who are doing their best to prevent him from thus accepting one of the alternatives so imperatively pointed out to him by Mr. Gambetta, and they may succeed for a while. But I have no doubt that after mature reflection the President will find that a quiet and frank submission to the will of the majority is the wisest policy he can now pursue. I am confident, however, that no changes in the cabinet will be made before the first days of November. The two houses meet on the 7th.

Under the present circumstances the men who are likely to be called to a new cabinet are not very numerous. They belong to the center left, which is composed mostly of former Monarchists now friendly to Republican institutions. Messrs. Dufaure, Leon Say, Duclerc, St. Vallier, Leon Renault, Savary de Marcère, Laboulaye, Waddington, Krantz, Germain, &c., occupy among them a prominent position. Of the present members of the cabinet, it is not likely that any will be retained if the change is determined upon, except possibly General Berthaut, the minister of war, who is not a politician, but who has the confidence of the left. Perhaps, also, the Duke Decazes may be retained, though he is bitterly opposed by some of the leaders of the Republican party, on account of what they regard as defection to their cause.

I should not leave this subject without mentioning that the elections have been carried on throughout France with perfect quiet and good order; not a single instance of violence or disturbance occurred in any place, and not even a case of drunkenness was noticed.

On election day, I personally visited quite a number of the voting places in Paris—several in what is known as the revolutionary quarter. I found the polls wholly unguarded by the police, and the electors passing before the judges with uncovered heads and in silence. The scene was to me very impressive.

I have, &c.,

EDWARD F. NOYES.

---

No. 103.

*Mr. Noyes to Mr. Evarts.*

[No. 27.]

LEGATION OF THE UNITED STATES,  
Paris, November 9, 1877. (Received November 24.)

SIR: As announced to you in my cable dispatch of the 2d instant, the French ministry all tendered their resignations to the Marshal President on Tuesday last. The President refused to accept them, and at his request they were subsequently withdrawn. Last evening, the 8th instant, several leading senators of the right, representing Bonapartists, Legitimists, and Orléanists, called upon the President and assured him that a majority of the Senate would sustain him in his conservative policy.

which is interpreted to mean that they will consent to another dissolution of the chambers. On the other hand, rumors are current to-day that the Marshal himself will resign with the cabinet. I have seen the leading ambassadors here and many leading men. No one ventures to predict what will be the result of the present complication. All are anxious and fearful. My own judgment is that a new administration is inevitable at no distant day; but I venture this opinion with considerable diffidence, as there has been great vacillation and many conflicting discussions as to the course to be pursued by the government party.

No one seems to anticipate any violence, but no one can see the President's way out of the difficulties. The next few days will undoubtedly develop the policy to be adopted.

I have, &c.,

EDWARD F. NOYES.

No. 104.

*Mr. Noyes to Mr. Evarts.*

No. 28.]

LEGATION OF THE UNITED STATES,  
*Paris, November 16, 1877. (Received November 28.)*

SIR: There is very little of interest which can be said with reference to the situation in France in addition to what has already been made public in the cable dispatches. The debate in the Chamber of Deputies upon the proposition to constitute a committee of thirty-three with full power to investigate and report as to the conduct of the recent elections has been very exciting and bitter. So far it has consisted of charges and counter-charges—of denunciation upon both sides. The committee was voted yesterday and will be constituted to-day. While the investigation is going on, the cabinet will undoubtedly remain, but I am informed by two of the ministers that at no distant day an entire change will be made, if the President can find a satisfactory ministry willing to accept. But even then there will be many embarrassments, and no one can at this time predict the course of events. France is restless, anxious, and unhappy; torn by contending parties and solicitous for the future. Business is paralyzed and capitalists are hoarding their means to await the result of the present complications.

I have conversed recently with many persons, Republicans, government officials, and members of the diplomatic corps. All are in doubt, and no one seems to have a decided opinion as to what is likely to transpire in the near future.

I have, &c.,

EDWARD F. NOYES.

No. 105.

*Mr. Noyes to Mr. Evarts.*

No. 29.]

LEGATION OF THE UNITED STATES,  
*Paris, November 16, 1877. (Received November 28.)*

SIR: Since writing the dispatch No. 28, of this date, information reaches me that the entire ministry have again tendered their resignations, and that the same have been or will be accepted by the President. As the

mail closes in a few minutes, I have no time to obtain further particulars or information, but will do so at the earliest practicable moment.

I have, &c.,

EDWARD F. NOYES.

No. 106.

*Mr. Noyes to Mr. Erarts.*

No. 34.]

LEGATION OF THE UNITED STATES,  
*Paris, November 30, 1877. (Received December 14.)*

SIR: Everything indicates that the prolonged political crisis will speedily end by the Marshal's taking a new ministry from the most distinguished moderate Republicans, such as Mr. Dufaure, Mr. Leon Say, Mr. Duclerc, Mr. Marcere, Mr. Waddington, Mr. Leon Renault. He has had interviews with several eminent gentlemen representing the prevailing ideas of the majority, notably with the Duke d'Audiffret Pasquier, president of the Senate, and Mr. Jules Grevy, the president of the Chamber of Deputies, who is now spoken of widely as the Republican candidate for the presidency at the next election. The *Journal des Débats* of this morning contains an account of the interview of the Duke d'Audiffret Pasquier and the President, and as the relations of this journal with some of the gentlemen above referred to and its high character give weight to its utterances, and the questions discussed are of the gravest importance, I send you, in translation, the substance of the statement.

At the outset of the interview, the Duke d'Audiffret Pasquier reminded the President that for three weeks he had not had the honor of seeing him, having held aloof from all that had passed during the ministerial crisis and the formation of the new cabinet, because the opinions which had predominated at the Elysée appeared to be in absolute opposition to the parliamentary ideas which had always been the basis of his political conduct. He repeated what he had before said within a few days to a high functionary, with a request that it be communicated to the President, that if the chamber were prorogued he should deem it his duty to come and stay in a public manner (*ostensiblement*) at Versailles, and that his colleague, the president of the Chamber of Deputies, and himself would feel themselves bound to take certain steps, as measures of prudence, in order to cover their responsibility as the presidents of the two chambers.

The Duke then begged the Marshal to return to parliamentary government. He spoke of the commercial and industrial crisis, of the complaints which the merchants had presented only yesterday, of the wish expressed on every side to see the marshal at last take the counsel of the moderate senators of the Republican party, and not hold relations solely with his friends of the right in the Senate and Chamber. The Duke advised him to talk especially with men like the eminent Mr. Dufaure, for whom he had shown so proper a regard; with Mr. Waddington, whose conciliatory character and political moderation he had long appreciated; with Mr. Berthauld, the mayor of Caen, whose welcome to him last summer in Normandy he could not forget. He told the Marshal that the chief of a state could not leave half of the country under interdict and care only for the sentiments of the other half. As in a family, the head should consult all the members before taking a resolution. He pointed

out that the best way out of the present crisis was to return squarely to the irresponsibility of the President, as the constitution established it, and not to make himself simply a party chief. He reminded him that Charles X, Louis Philippe, and Napoleon III fell because, to the last moment, they took sides for their ministers without regard to the opinion of the country. On the contrary, the house of Hanover in England, by practically carrying out the irresponsibility of the chief of the state, as was besides its duty, had been able to pass through the most terrible crises.

After amplifying this remark, he referred to a second dissolution, and continued: "Much has been said of my friends of the center right, constitutionals, going through with the greatest reluctance to the last vote for a policy of extremes that may be demanded of them. Well, it is a calumny upon the patriotism of my friends. In voting the order of the day of the 19th of November (indorsing the ministry), to which they were opposed, they gave you a very great proof of their self-abnegation; but I can, without going too far, declare to you that they cannot after this vote a second dissolution, no matter what may have been told you."

The duke informed the Marshal that he could never lend his aid to an attempt to intervene by armed force against the representatives of the country. The Marshal answered that the duke ought not to fear the use of force (*un coup de force*) on his part, as he would never lend himself to it (*y associerait lui-même*).

The Duke, on taking leave, said, "Now that I have opened the door and window, it is for you to call them in."

In an interview with Mr. Ferdinand de Lesseps, the same day, the Marshal said he was absolutely opposed to a *coup de force*.

I have, &c.,

EDWARD F. NOYES.

No. 107.

*Mr. Evarts to Mr. Noyes.*

No. 18.]

DEPARTMENT OF STATE,  
*Washington, December 5, 1877.*

SIR: Information has been received from Mr. Griffin, the consul of the United States at Apia, Samoa, that upon the 21st of September last the consulate was attacked by an armed mob, and himself forcibly ejected and not allowed to return or remove United States property until he consented under compulsion to haul down the flag and take away the coat of arms. He was then allowed to superintend the removal by the rioters of the archives and other property, which had been thrown into a very disordered state.

Upon the 24th of the same month the French man-of-war *Le Seignelay* arrived at Apia, and the consul requested the protection of her commander, Captain Aube, which was cheerfully given. On the 26th, the captain sent five men on shore to aid Mr. Griffin in arresting certain United States citizens who had taken part in the disturbances, but, as they were unable to effect their object, he afterward furnished him with forty men and one officer, for the same purpose. The captain also called upon the British and German consular officers to afford protection to their outraged colleague, but as they declined to do so, before leaving the island he was obliged to place the consul under the protection of

the native authorities. In the mean time he had sheltered him upon the Le Seignelay.

You are therefore instructed to communicate these facts to the French Government, and to request that the thanks of the Government of the United States may be conveyed to Captain Aube for the friendly and serviceable assistance which he rendered to Mr. Griffin, the consul at Apia, upon the occasion referred to.

I am, &c.,

WM. M. EVARTS.

No. 108.

*Mr. Noyes to Mr. Evarts.*

No. 37.]

LEGATION OF THE UNITED STATES,  
*Paris, December 7, 1877. (Received December 20.)*

SIR: I have the honor to inform you that the political crisis in France culminated last evening in the decision of President McMahon to form a new ministry acceptable to the Republican leaders, and with such guarantees on the part of the Marshal as, it is believed, will preclude the recurrence of such a condition of affairs as that which has brought the French nation into great distress and peril.

Mr. Dufaure has been charged with the formation of the new cabinet, and will, perhaps, be one of its members as president of the council and minister of justice. The names, as reported at this hour, which have been so far chosen for the various departments, are Mr. Leon Say, minister of finances; Mr. de Marcere, interior; Mr. Christople, public works; Mr. Teisserenc de Bort, commerce and agriculture; Mr. Waddington, public instruction. All of these gentlemen formed part of the Jules Simon ministry, and their names command the highest respect in France and the confidence of the great body of the Republicans. The other portfolios, war, marine, and foreign affairs, are still undetermined, and the Marshal desires to retain the present incumbents, and to treat these departments as outside of partisan politics.

The conditions presented by Mr. Dufaure and agreed to before he would undertake the task of forming a cabinet from the distinguished moderates of the left were that the government should be in truth parliamentary; that is, that the ministers should not be disturbed by the President so long as they could command a parliamentary majority for their measures; that they, and not he, should be responsible; that they should control the appointments to office; that the bill prohibiting the proclamation of a state of siege, and the bill taking away the present heavy restrictions upon peddling and sale of newspapers, should be adopted and voted as government measures. Other minor questions have been also discussed, and it is expected that the President will yet formulate his declaration in a message to the assembly.

The details of names and measures above given will no doubt be somewhat modified, and you will have the result by telegraph before this dispatch reaches you, but the cardinal fact that the President of the Republic has abandoned the prolonged and threatening contest with the Chamber of Deputies and the majority of France is now certain, and with it comes an immediate and universal feeling of relief. The upward movement of the Bourse, the tone of the whole press, and the conversation of all I met, testify this sentiment.

The contest has not been a mere struggle for portfolios. It is not temporary. The enormous and complicated machinery of this centralized government has been through generations in the hands of an army of functionaries, numbering hundreds of thousands, whose training, social position, and monarchical tendencies made them an almost insurmountable obstacle to progress toward real republicanism. The tenure of office is practically permanent. The present office-holders generally came into their places and have received their slow promotions at long intervals, under the empire or by the patronage of men of noble families or kindred influences. They are the men who have administered, in its details, the government of a republic, a form of government they detest. It is common to hear men occupying high and responsible positions express the belief and hope that the republic will soon break down with all its train of vulgar and distasteful necessities, the result of popular suffrage. This is one of the reasons why those surrounding the Marshal continued this struggle against the majority so long, even when it seemed vain for them to hope to hold their adherents longer in place. And this is why Mr. Dufaure asked that the new ministry should have complete liberty in appointing and removing place-holders, a condition without which it would be useless to approach the leaders of the republican majority.

I have, &c.,

EDWARD F. NOYES.

No. 109.

*Mr. Noyes to Mr. Evarts.*

No. 40.]

LEGATION OF THE UNITED STATES,  
*Paris, December 14, 1877. (Received December 27.)*

STR: The President last evening signed the decree naming an entire new ministry, and it appears this morning in the *Journal Official*, as follows:

Mr. Dufaure, minister of justice, president of the council.

Mr. de Marcere, minister of the interior.

Mr. Waddington, minister of foreign affairs.

Mr. Leon Say, minister of finances.

Mr. Bardoux, minister of public instruction.

General Borel, minister of war.

Admiral Pothon, minister of marine.

Mr. de Freycinet, minister of public works.

Mr. Teisserenc de Bort, Minister of commerce and agriculture.

Thus, the crisis, after many changes of aspect, and vain attempts at solution, has come to an end, which it could be foreseen was ultimately inevitable, by the choice of a ministry of the character described in my dispatch of last Friday, No. 37, the gentlemen therein named being all included in the present cabinet. At times, during the uncertainties of the last few weeks, there have been fears that there would soon be violence, that a reactionary ministry would attempt to carry on the government without the budget being voted by the Chamber of Deputies, and that confusion and disaster would ensue. It was on this precise point that the efforts to form a ministry of the right by Mr. Batbie failed; for no statesman seemed willing to undertake the portfolio of minister of finances with this prospect in view.

The present solution by the formation of a cabinet in accord with the

will of France, as declared at the election of the 14th October last by a great majority, will rejoice every friend of republican institutions. All the present ministers are moderate Republicans. The choice of Mr. Waddington for the foreign office is particularly gratifying; he is a gentleman whom I have already, by personal acquaintance, learned to esteem as in every way worthy of his high reputation as an able and experienced statesman, very kindly disposed toward our country and its institutions. His accomplished and beautiful wife is an American lady, being a daughter of the late Dr. Charles King, president of Columbia College.

I have, &c.,

EDWARD F. NOYES.

No. 110.

*Mr. Sevard to Mr. Noyes.*

No. 19.]

DEPARTMENT OF STATE,  
*Washington, December 19, 1877.*

SIR: The following telegram was addressed to you upon the 16th instant, viz:

Invitation of French Government to United States to participate in the International Industrial Exposition, accepted by Congress. Inform minister for foreign affairs accordingly. Governor McCormick, late Assistant Secretary of the Treasury, appointed commissioner general. Commission will be organized immediately.

It is presumed, of course, that the instructions contained in the telegram have already been complied with. If, perchance, they have not been, you are requested to communicate the contents of the telegram to the minister for foreign affairs.

I am, &c.,

F. W. SEWARD,  
*Acting Secretary.*

No. 111.

*Mr. Noyes to Mr. Evarts.*

No. 44.]

LEGATION OF THE UNITED STATES,  
*Paris, December 21, 1877. (Received January 2.)*

SIR: I have the honor to transmit herewith a translation of the message of President McMahon, delivered to the Senate and Chamber of Deputies on Friday last, but received at too late an hour to be sent in the last dispatch-bag. It is a document which has been received with general satisfaction as marking by a solemn declaration the sincere acceptance by the Chief of State of real parliamentary government in France, and as a permanent solution of the long and harassing series of ministerial crises which have marked the struggles of parties during the past seven months.

I have, &c.,

EDWARD F. NOYES.

[Inclosure in No. 44.—Translation.]

## MESSAGE OF PRESIDENT McMAHON.

The elections of the 14th of October once more affirmed the confidence of the country in republican institutions. In obedience to parliamentary rules, I have formed a cabinet, selected from the two chambers, composed of men resolved to defend and maintain those institutions by the sincere practice of the constitutional laws. The interest of the country demands the termination of the crisis we are traversing. It demands with not less force that it shall not be renewed. Recourse to the right of dissolution is only, in fact, a supreme mode of consulting a judge without appeal, and cannot be erected into a system of government. I deemed it my duty to make use of that right, and I conform to the reply of the country. The constitution of 1875 founded a parliamentary republic by establishing my irresponsibility, while it instituted the joint and individual responsibility of the ministers. Thus are determined our respective duties and rights. The independence of the ministers is the condition of their responsibility. These principles, derived from the constitution, are those of my government. The end of this crisis will be the starting-point of a new era of prosperity; all the public powers will co-operate in promoting its development. The accord established between the Senate and the Chamber of Deputies, henceforth certain of regularly reaching the expiration of its commission, will enable the great legislative works demanded by the public interests to be completed. The Universal Exhibition is about to be opened. Commerce and industry are about to take a new spring; and we shall give the world a fresh testimony of the vitality of our country, which has always revived through labor, through thrift, and through its profound attachment to ideas of conservation, order, and liberty.

## No. 112.

*Mr. Noyes to Mr. Evarts.*

No. 45.]

LEGATION OF THE UNITED STATES,  
Paris, December 28, 1877. (Received January 10, 1878.)

SIR: I have the honor to transmit herewith copy of a communication from the French minister of foreign affairs, relating to the participation of the United States in the International Exhibition of Paris in 1878.

I have, &amp;c.,

EDWARD F. NOYES.

[Inclosure in No. 45.—Translation.]

*Mr. Waddington to Mr. Noyes.*

PARIS, December 24, 1877.

GENERAL: You were kind enough to announce to my predecessor that Congress had passed the bill providing for the participation of the United States in the International Exhibition of 1878.

It is with lively satisfaction that I notice this communication, and I would be obliged if you would convey to your government an expression of the thanks of the government of the republic for a decision which, by assuring the concurrence of American exhibitors, will contribute to the splendor and the solemnity now preparing in France.

Please accept the assurances of the high consideration with which I have the honor to be, general, your most humble and obedient servant,

WADDINGTON.

## No. 113.

*Mr. Noyes to Mr. Evarts.*

No. 50.]

LEGATION OF THE UNITED STATES,  
Paris, January 11, 1878. (Received January 24.)

SIR: The minister of foreign affairs, Mr. Waddington, replying to my letter communicating your dispatch announcing the final adoption by



Congress of the bill providing for the participation of the United States in the Universal Exhibition at Paris, and the appointment of Governor McCormick to be commissioner-general, says, in a letter just received, and dated yesterday:

It was particularly agreeable to me, General, to learn of the appointment of Mr. McCormick, who took so important a part in the organization of the Exhibition of Philadelphia. I hastened to notify the minister of agriculture and commerce of the fact, as well as the French commissioner-general, with whom Mr. McCormick can, from this time, put himself in direct relations in regard to all that concerns the accomplishment of his mission.

I have, &c.,

EDWARD F. NOYES.

---

No. 114.

*Mr. Noyes to Mr. Evarts.*

No. 80.]

LEGATION OF THE UNITED STATES,  
*Paris, March 28, 1878. (Received April 11.)*

SIR: You are aware that for about two years the French Government has been considering the subject of a thorough revision and recast of its tariffs.

After calling the attention of all the chambers of commerce in France to the matter, and soliciting an expression of opinion as to the reforms and new methods advisable, the administration submitted the whole question to a committee, styled "the superior council of commerce and industry." My predecessor, Mr. Washburne, informed the Department of these facts in his dispatch No. 1319, of May 16, 1876.

After many months of labor the proceedings and report of this committee were published, and upon the conclusions it had reached the government framed a new tariff bill, which was introduced in the chambers in March, 1877. The change of ministry and of policy which took place on the 16th of May last postponed the whole matter for the time being. It is now revived by the present minister of commerce, Mr. Teisserenc de Bort, and pressed upon the chambers, which will very likely come to a decision at an early day.

But the question presents itself this year in a somewhat different form, with tendencies not as liberal, and therefore not as favorable to American interests as were exhibited by the bill of March, 1877.

For a clear understanding of this matter a few words of explanation are necessary:

Before 1860 the imports levied on foreign goods admitted into France were determined by a tariff of a decidedly protective character. In 1860 the Emperor, acting under the influence of Mr. Cobden, made a special treaty of commerce with England, which inaugurated in France a new and more liberal commercial policy. Its results having been entirely satisfactory, France tendered to other countries the advantages given to England, and made a series of treaties, based upon the same principle, and which are now about to expire or have already terminated. The consequence of this policy was the establishment of a system of double tariffs, one *general* and rather high, applicable to all countries having no commercial treaty with France; the other special or *conventional*, based on treaty stipulations. This double system is now in force, with this additional feature, that in 1873 a supplemental tax of 24 per cent. was added to the general tariff. The question submitted to the chamber of com-

merce was whether this system should be continued or modified in some respects.

The conclusions reached by the majority of these bodies can be summed up as follows: They recommend—

- 1st. Extension of the treaty system.
- 2d. Reduction of the general tariff.
- 3d. Substitution of specific for ad valorem duties.

The superior council of agriculture, commerce, and industry, to which the matter was afterward referred, went a little further: it decided to recommend the suppression of the supplemental tax of 24 per cent. added to the general tariff, with the exception, however, as to cotton fabrics, which were to be still submitted to a certain supplemental tax.

Acting upon these suggestions, the French Government framed the tariff bill presented last year, which stipulated—

1st. That the rates of the new general tariff should not be above those of the previous conventional tariffs.

2d. That the duties on cotton fabrics should be increased only 10 per cent. instead of 24 per cent.

3d. That an additional tax of 20 per cent. should be levied on all products from countries where duties on French goods are above the average of 15 per cent.

But the new bill contains nothing of the kind, though it professes to be very liberal.

In the first place, the duties on a considerable class of articles are raised. For instance, lobsters, which were admitted free, pay now as other fish; pickled oysters and cheese pay nearly twice as much as before; rice and petroleum pay more.

Secondly. The duties on cotton thread and cotton fabrics and a number of other articles, instead of bearing the supplemental tax of 10 per cent. as before proposed, are to pay 24 per cent.

Thirdly. An additional tax of 50 per cent., instead of 20 per cent., is to be levied on all products from countries where French goods are subjected to imposts of more than 20 per cent.

In short, therefore, the new tariff bill imposes a tax of 24 per cent. on a very large number of foreign articles, and threatens the countries which will not submit to these heavy duties, and which attempt to retaliate by imposing equivalent duties on French products, with increase of this 24 per cent. duty to 50 per cent.

The motives which have induced the French Government to so depart from the policy of last year's project must be stated. In the "Exposé des Motifs," or argument which heads the bill, the government contends that its object is not to seek *protection* for French products, but *compensation*, and to make this more clear, it says:

These duties will certainly be gradually lowered as new treaties of commerce shall be made. Thus, in the recent conventions with Italy and Spain, the government has abandoned part of the imports levied on game, poultry, eggs, rice, fruits in cans, &c.

Speaking of the additional duty of 24 per cent. which was rejected in the former bill, it says:

We had done so because we supposed that the economical doctrines which had prevailed since 1860 (doctrines hostile to protection) in most of the large states would continue to be favorably received. We hoped that future commercial treaties would mark a new progress in the direction of free trade, and would so facilitate the extension of our trade and increase the consumption of our products in foreign markets. \*  
\* \* \* But the desire to derive from the customs larger revenues seems to have given a new turn to ideas in this matter. \* \* \*

In the presence of this state of things arising precisely when our treaties of commerce are all about to expire, France cannot remain unprotected by granting spon-

taneously the benefit of the conventional tariff to nations which will not reciprocate and which make their markets comparatively inaccessible to the products of French agriculture and manufacture, and which thus render by their exactions commercial treaties with us impossible. \* \* \* By the general treaty clause applicable to the most favored nation, which is incorporated in our modern convention of commerce, we have given to all nations willing to enter into treaty stipulations with us the certainty that they can secure at least the rates of the conventional tariff. We show thereby that, as we wish to be well armed for future negotiations, we do not intend to walk backward in the direction of protection.\*

It can be seen by these quotations that the plain aim of the French Government is to compel, or, to say the least, to induce, other countries to enter into treaty stipulations with France favorable to her, and on this point it seems it can depend upon the support of the Chamber of Deputies; for out of 33 members composing the committee to which the tariff has been referred, 20 at least are *compensators*, as they style themselves, that is to say, aiming to get compensation for liberal concessions.

I inclose herewith an official printed copy of the new tariff bill, with all the documents attached to it.

I have, &c.,

EDWARD F. NOYES.

---

No. 115.

*Mr. Noyes to Mr. Evarts.*

No. 84.]

LEGATION OF THE UNITED STATES,  
Paris, April 5, 1878. (Received April 17.)

SIR: Immediately upon receipt of your instructions contained in dispatch No. 37 of date March 14, 1878, I prepared a communication to the French minister of foreign affairs, embodying the substance of your dispatch, expressing the earnest desire of my government for the appointment of an international monetary congress, to meet at such place in the United States or in Europe as might be agreed upon, and inclosing a copy of the Congressional enactment remonetizing silver. I also sent to Mr. Waddington a *note verbale*, requesting an interview regarding the subject. On Wednesday last, April 3, I had a long and full conversation with the minister, during which I was assured of his approbation of the proposition submitted and of the concurrence of the minister of finance, Mr. Leon Say. Mr. Waddington did not, however, desire that his government should be considered as definitely and finally committed until such time as he could consult the other powers composing the Latin Union, and which were equally interested.

The minister indicated that for this purpose two or three weeks' delay would be necessary. He promised, however, to use his influence to secure the creation and meeting of the congress.

Subsequently I had an interview with Dr. Kern, the Swiss minister to France, and he assured me that he would immediately communicate with his government, asking concurrence. On the whole, the prospect is flattering for the result desired.

It is fortunate that the convention between the countries composing the Latin Union regarding the monetary question is possibly about to expire, inasmuch as a meeting is to take place in October of this year, when the present convention may be annulled; otherwise it is to continue in force for fifteen years from that date; and hence there is likely

\* As to the 50-per cent. clause, the French "Exposé" says: "It is specially directed against the products of countries which levy on our products exorbitant imposts."

to be a general disposition for an international consultation with the view to such final action as may be found convenient and advisable for all the powers concerned.

I will inform you by telegraph as soon as the French Government sends me a definite response to the invitation, and in the mean time will do all I can to hasten the decision.

I have, &c.,

EDWARD F. NOYES.

---

No. 116.

*Mr. Noyes to Mr. Erarts.*

No. 92.]

LEGATION OF THE UNITED STATES,  
*Paris, April 26, 1878. (Received May 9.)*

SIR: I have the honor to inclose herewith a report of the recent meeting of the commission of international exchanges by Dr. William E. Johnston, representing the United States; a paper which I am sure you will find of much interest.

I have, &c.,

EDWARD F. NOYES.

---

[Inclosure to No. 92.]

*Dr. Johnston to Mr. Erarts.*

PARIS, FRANCE, April 25, 1878.

SIR: In the summer of 1875 a geographical congress, composed of several hundred delegates from all parts of the world, was held at Paris, and in connection with it an exhibition of objects relating to geographical science.

Great surprise was manifested by the delegates to this congress at the advancement each nation had made, more or less unknown to the others, in the various arts pertaining to the study of geography, and out of this surprise grew a desire for the inauguration of a general system of international exchanges of works of science.

The idea, for the few most advanced nations, was not a new one; but the occasion of the meeting of so many men of different nationalities, occupied with matters of science, was deemed an auspicious one for the organization of a scheme of free exchanges; and in conformity to a generally expressed wish to that effect, the minister of public instruction and worship of France called a meeting of his ministry to organize the plan, and to solicit the official adhesion of the different governments thereto.

The delegates, selected by the minister of public instruction, were chosen from among the delegates to the geographical congress, and as the undersigned had the honor to represent the United States at that congress, through the recommendation of the New York Geographical Society, he was invited by the French minister to represent the United States also in the preliminary meetings of the congress for international exchanges of works of science.

The meetings of the delegates, which took place in the council chamber of the ministry of public instruction, were presided over, by delegation of the minister, by the Baron de Vatteville, under secretary and director of the Bureau of Sciences and Letters, upon the technicality that, so long as the meetings were preliminary, and until the different governments had given in their adhesion, it would not be appropriate for the minister to preside in person, but that, when the work of preparing the plan had been completed and had become a law by the official acceptance of the different governments, then the preliminary delegates with their president were to disappear to give place to the minister and to the diplomatic representatives of the governments adhering; in other words, the scheme, when it became a law, was necessarily to pass from unofficial into official hands.

When the plan (which is here inclosed) was agreed upon, the undersigned sent a copy thereof to your predecessor the Hon. Mr. Fish, with a letter setting forth the preceding facts, and urging him, in the name of the congress, if not deemed incompatible with the habits of his government, to give in his adhesion to the scheme.

To this demand Mr. Fish replied as follows:

"DEPARTMENT OF STATE,  
"Washington, May 16, 1876.

"Dr. W. E. JOHNSTON, *Paris*.

"SIR: Your letter of the 15th of March relative to the establishment by this government of an office for the exchange of scientific publications with foreign governments has been received with its inclosures.

"In reply, I have to inform you that, the subject having been submitted to Prof. Joseph Henry, president of the National Academy of Sciences and secretary of the Smithsonian Institution, information has been received from him that for upwards of a quarter of a century the Smithsonian Institution has superintended the exchange of publications of the learned societies of the United States with those of Canada, South America, and of the Old World. This system has been so enlarged that it now embraces almost every part of the civilized world. Fifty copies of all public documents are also sent to the Smithsonian Institution for exchange with the official publications of foreign governments.

"Professor Henry further says that in view of these facts he considers it improbable that this government would establish a special bureau for co-operation in the plan proposed by the congress of geographical science. He says, however, in behalf of the Smithsonian Institution, that it will cheerfully co-operate with the system proposed as soon as it has succeeded in establishing its organization.

"I am, sir, very respectfully, your obedient servant,

"HAMILTON FISH."

This reply, which had been anticipated by the undersigned, on account of the well-known situation and operations of the Smithsonian Institution, and had already been announced by him to his colleagues of the congress as the probable reply of the Secretary of State, was nevertheless regarded and accepted as an adhesion on the part of the Government of the United States, or at least as a sufficient adhesion to justify placing the name among the list of adherents, it being understood, however, that the Smithsonian Institution was to do the work in its own way and under its own responsibility.

Now, as all the other adhering governments intend to perform their work of exchanges in a special bureau, within one of the ministerial buildings, and at the expense of the government, thus constituting it a purely official operation, the performance of the work by the Smithsonian Institution forms an exception, and brings up the question whether the diplomatic representative of the United States at Paris is hereafter to take direction of the scheme or not. It may almost be a useless question, in this sense, that the operation of exchanges once organized, the different bureaus will conduct their operations so completely within themselves as not to demand outside protection or aid of any kind.

But adhesions enough have come in, all the nations having signed or promised to sign, but England and Germany, to warrant the French Government in assuming the official direction of the affair, and a few days ago, for the first time, the letters of convocation to a meeting were addressed to the diplomatic corps, instead of to the former delegates, as follows:

"MINISTRY OF PUBLIC INSTRUCTION, OF WORSHIP, AND OF FINE ARTS,

"DIRECTION OF SCIENCES AND LETTERS,

"COMMISSION OF INTERNATIONAL EXCHANGES,

"*Paris, April 14, 1878.*

"SIR: The French commission of international exchanges will meet at the ministry of public instruction on Tuesday, the 16th of April, at four o'clock, under the presidency of the minister.

"I have the honor to beg you to attend this meeting or to send a representative.

"Accept the assurances of my respectful consideration.

"CHARMES,

"*Chief of Cabinet to the Minister of Public Instruction,  
Secretary to the French Commission of International Exchanges.*

"General NOYES,

"*Minister Plenipotentiary, &c., &c.*"

At this meeting, which was attended by about thirty delegates, composed of foreign ministers, first secretaries of legation, and delegates from the French ministries, M. Bardoux, minister of public instruction, presided, and made an address complimenting and welcoming the states which had adhered to the scheme, predicting for it an immense field of usefulness, and announcing that other meetings, under his presidency, would be held as long as the two or three principal governments which had not adhered still held aloof, and until all the points in regard to the operating of the system had been settled.

At the request of his excellency the American minister at Paris, the undersigned attended this last meeting, presided over by M. Bardoux, and signed his name, as heretofore, on the *feuille de presence*, as delegate from the United States; but was he right in thus signing his name, and will not your excellency kindly decide whether the time has not come for the American minister at Paris to assume the direction of what is now considered an official transaction?

I have the honor to be, with the highest sentiments of esteem, your excellency's obedient servant.

W. E. JOHNSTON, M. D.

His Excellency WILLIAM M. EVARTS,  
*Secretary of State.*

No. 117.

*Mr. Noyes to Mr. Evarts.*

[Telegram.—Received May 31, 1878.]

PARIS.

EVARTS, *Washington :*

France has assent of all members Latin Union, except Italy, which is telegraphed for to-day, whose answer France awaits. \* \* \*

NOYES.

No. 118.

*Mr. Hitt to Mr. Evarts.*

[Telegram.—Received June 9, 1878.]

EVARTS, *Secretary, Washington :*

France answers. Ready to take part in monetary conference. Italy assents. Waddington proposes Paris as place.

HITT,  
*Chargé.*

No. 119.

*Mr. Evarts to Mr. Noyes.*

No. 58.]

DEPARTMENT OF STATE,  
*Washington, June 10, 1878.*

SIR : Referring to your dispatch No. 92, I have to inform you that the communication of Dr. William E. Johnston, which accompanied it, in regard to a meeting of the commission of international exchanges and the exchange of scientific publications, having been submitted to the Smithsonian Institution, a letter has been received from Mr. Baird, the Secretary thereof, a copy of which is herewith inclosed, describing the Institution's present system of exchanging documents and suggesting that in exchanging publications with France you shall act as agent.

I would be pleased to receive from you any suggestions which you may have to offer with reference to what is proposed by Mr. Baird.

I am, &c.,

WM. M. EVARTS.  
Digitized by Google

[Inclosure in No. 58.]

*Professor Baird to Mr. Evarts.*SMITHSONIAN INSTITUTION,  
Washington, D. C., June 3, 1878.

SIR: I have the honor to acknowledge the receipt of your letter of May 15, inclosing a communication from W. E. Johnston, M. D., in reference to the subject of international exchanges between the United States and France.

In reply, I beg to inform you that this Institution has for a number of years been charged by Congress with the duty of exchanging its official publications and those of the various departments of the United States Government for similar publications of foreign governments, France among the number.

This Institution has also, for a still longer period, maintained a much more comprehensive and extensive system of communication between learned societies and specialists of the New World and those of the Old; receiving serial and other publications from South and Central America, the West Indies, and the British Provinces of North America, as well as those of the United States, and transmitting them through its agents abroad, these, in turn, receiving any parcels from the countries represented by them for transmission to any portion of America, likewise through the Smithsonian Institution.

An especial element in the Smithsonian system of international exchanges consists in the employment of a number of agents in different portions of Europe, a list of whom is herewith inclosed. It will be seen that the agent of France is Mr. Gustav Bossange, a well-known bookseller of Paris.

It will be entirely agreeable to the Smithsonian Institution to adopt any plan of communication between the United States and France that may be considered an improvement upon the present, although it could not now undertake to assume any responsibility beyond that of taking charge of official publications interchanged between the two governments, and of any parcels addressed to scientific individuals and institutions.

If the Department of State will instruct the American minister at Paris to serve as agent in these transactions it will be, probably, an improvement upon the present system, which we shall be happy to see carried into effect.

I am, &amp;c.,

SPENCER F. BAIRD,  
Secretary Smithsonian Institution.

No. 120.

*Mr. Hitt to Mr. Evarts.*

[Telegram.—Received June 13, 1878.]

PARIS.

EVARTS, *Secretary, Washington:*

Learn at foreign office France consulted members Latin Union, intimating inclination to accept, but not alone.

Belgium accepted, first suggesting preliminary conference of Union. Switzerland approved this. France thought this unnecessary. Union should await American propositions, and then consult. Italy agreed and accepted, naming October. France replied American law limited six months. France now suggests United States propose date for conference. Intimates that end June, or early July would be acceptable.

HITT, *Chargé.*

No. 121.

*Mr. Hitt to Mr. Evarts.*

No. 106.]

LEGATION OF THE UNITED STATES,  
Paris, June 14, 1878. (Received June 26.)

SIR: Several times since the receipt of your instruction No. 37, of date March 14, 1878, in regard to the proposed monetary conference, and the

communication of the substance thereof to the French government, General Noyes has had conversation on the subject with Mr. Waddington, and also with Mr. Leon Say, the minister of finances, and informal inquiries have been made from time to time at the foreign office as to the progress of the negotiations between France and the other members of the Latin Union, from which it appeared that while France was disposed to accept the invitation of our government she wished to act in concert with the rest, and, as was telegraphed you by General Noyes, as late as the 31st ultimo, she was still awaiting the response of Italy before making a formal decision. The question was in this state when General Noyes left for America on the 4th instant.

On the 9th I received from Mr. Waddington a communication announcing that the French Government was ready to take part in the conference, and adding that in case the other governments which accepted the invitation of the Washington cabinet manifested the intention of designating Paris as the place of meeting, the French Government would be happy to offer to the delegates a hospitality to which the Universal Exposition might perhaps give an additional value. This was sent you in brief the same day, by cable, with the fact, before learned informally, that Italy had accepted. A copy and translation of Mr. Waddington's communication are herewith inclosed.

Mr. Jagerschmidt, assistant director at the foreign office, who has been intrusted with this business by the minister, and who will probably represent France in the conference, has informally communicated much information on this subject to the legation. In a telegram sent on yesterday, I gave you the substance of a conversation just had with him by Mr. Vignaud, which I will now repeat more fully.

As soon as General Noyes, in pursuance of your instruction, made the proposition for a monetary conference, Mr. Waddington communicated with the other members of the Latin Union, asking their views on the question, and intimating, at the same time, that France was inclined to accept, but did not feel disposed to do anything alone. The reply of Belgium, which was the first received, was favorable to the proposition, and suggested that a preliminary conference be held by the members of the Latin Union in advance of that contemplated by the act of Congress of the United States, for the purpose of consultation and concerted action. Switzerland approved cordially of this suggestion, and was of opinion that some sort of agreement should be had before meeting the American commissioners. France replied that such preliminary conference seemed useless and was scarcely practicable, as there was but one question to be considered, viz, the relative value of gold and silver, and she proposed that, instead of settling upon a programme in advance, they wait for the appearance of the American commissioners at the conference, where they would undoubtedly come with a clear and definite purpose, which would be announced at the opening of the conference—that the American Government, being the one at whose instance the conference was called, would of course present propositions for discussion and action, the object and tendency of which could then, after this first meeting, be considered by the members of the Latin Union in friendly consultation. This proposed line of action was communicated to Italy, and in her answer she accepts and approves this mode of proceeding, which it is likely will be adopted by all the members of the Latin Union.

Italy also proposed that the time of meeting of the conference should be October, at which date there is to be a meeting, already determined upon, of the representatives of the Latin Union. France in reply called attention to the provision of our act of Congress limiting the time within



which the conference might be called to six months from February 28, 1878, which made October too late. While France has made no formal suggestion as to the time, her opinion is that the end of June or the early part of July would be best and most convenient for all.

I will only add one other assurance received from the foreign office, when informed that Mr. Welsh had written General Noyes that the conference had been proposed to England, and that he had strong hopes that England would accept and take part. This information gave great pleasure to the French Government, and particularly to Mr. Leon Say, who takes a deep and lively interest in this question, and says that if England does take part it will quicken the zeal of all the rest and give assurance of the most substantial results.

I have, &c.,

R. R. HITT.

[Inclosure in No. 106.—Translation.]

*Mr. Waddington to Mr. Hitt.*

PARIS, June 8, 1878.

SIR: I received the letter of date the 29th of last March, by which General Noyes kindly transmitted to me, in the name of his government and in execution of an act of Congress of the United States of America, the proposition to participate in an international monetary conference which would have for its object the adoption of a common relation between gold and silver.

In reply to this communication, I have the honor to inform you that the French Government is ready, in so far as it is concerned, to take part in this conference.

I hasten to add that in case the governments which may receive favorably the invitation of the Washington cabinet should manifest the intention of designating Paris as the place of meeting, the French Government will be happy to offer to these delegates a hospitality to which the Universal Exposition will perhaps lead them to attach a certain value.

Accept the assurance of the highest consideration with which I have the honor to be, sir, your most humble and obedient servant,

WADDINGTON.

Mr. HITT,  
*Chargé d'Affaires of the United States.*

No. 122.

*Mr. Evarts to Mr. Hitt.*

[Telegram.]

WASHINGTON, June 28, 1878.

HITT, *Chargé, Paris:*

Inform by letter representatives of the United States in Europe that at a conference of the United States monetary commissioners the 10th of August has been suggested as the time for the meeting of the conference, instead of the 25th of July as heretofore proposed.

EVARTS, *Secretary.*

No. 123.

*Mr. Hitt to Mr. Evarts.*

[Telegram.]

PARIS, July 17, 1878.

EVARTS, *Washington:*

Am told at foreign office, France, where monetary conference is to be held, should issue invitations. She will do so only on our request.

Shall I request to invite for tenth August? France concurs as to time and place. She also wishes speedy exchange ratification metrical convention.

HITT.

No. 124.

*Mr. Evarts to Mr. Hitt.*

[Telegram.]

WASHINGTON, July 19, 1878.

HITT, *Chargé, Paris*:

Request French Government to issue invitations to powers accepting monetary conference for meeting at Paris tenth August.

\* \* \* \* \*

EVARTS, *Secretary*.

No. 125.

*Mr. Hitt to Mr. Evarts.*

No. 118.]

LEGATION OF THE UNITED STATES,  
*Paris, July 19, 1878. (Received July 31.)*

SIR: Upon receiving your instruction No. 61, of date June 17, 1878, in regard to the monetary conference, I communicated the information therein contained to the minister of foreign affairs in a letter of date July 3, 1878, and expressed the hope that the designation of time, August 10, and place, Paris, for the meeting of the proposed conference would receive the early concurrence of the French Government.

No formal reply has yet been received to that communication, but Mr. Jagerschmidt, the gentleman at the foreign office in charge of this subject, says that the answer has been prepared and will be sent to the legation to-day communicating the concurrence of the French Government. He also states that the delay has been caused by the absence of Mr. Leon Say, the minister of finances, who has been absent in Scotland, and whom it was necessary to consult.

I am also informed at the foreign office that Paris having been chosen as the place of meeting of the conference, the custom prevailing under such circumstances would indicate that the formal invitations to the various governments which have agreed to participate in the conference should be sent out by the French Government, which will at the same time charge itself with the preparation of suitable rooms in one of the public buildings for the sittings of the conference, with the assignment of a fitting number of attendants, and similar arrangements for the convenience of that body; that the action on the part of France in sending such invitations should be at the request of the Government of the United States, which originally proposed the conference; and it was therefore desirable that such a request should be sent from this legation.

Not knowing the exact scope of the invitations which have already been sent by you to the various governments alluded to, and deeming it well that every step in this matter should be taken with your knowl-

edge, and as far as possible under your instructions, I telegraphed you the substance of the above on day before yesterday and inquired whether I should make the request of the French Government to send out formal invitations for the conference at Paris on the 10th of August. Up to this hour (four o'clock) no reply has been received.

I have, &c.,

R. R. HITT.

---

No. 126.

*Mr. Noyes to Mr. Evarts.*

No. 129.]

LEGATION OF THE UNITED STATES,  
*Paris, August 9, 1878.* (Received August 21.)

SIR: I have the honor to transmit herewith a communication from Dr. William E. Johnston, in reply to one from yourself of date June 10, in relation to a proposed official organization of a system of international exchanges for works of science, and to say that I approve the suggestions of Dr. Johnston.

I have, &c.,

EDWARD F. NOYES.

---

[Enclosure in No. 129.]

*Dr. Johnston to Mr. Evarts.*

PARIS, August 5, 1878.

SIR: In reply to your excellency's letter of June 10, addressed to the American minister at Paris, and that of Mr. Buird, Secretary of the Smithsonian Institution, of June 3, accompanying, both relating to the proposed official organization of a system of international exchanges of works of science, I have the honor, at the request of Mr. Hitt, chargé d'affaires, to again address you on the subject, and to lay before you some other considerations in regard to this scheme.

All the governments which are represented by diplomatic agents at Paris, with the exception of England and Germany, which still hold out in order to first see the working of the scheme, have given in their adhesion and agreed to the creation within the bureau of their respective foreign secretaries of an agency, with a special employé charged with the duty of international exchanges of works of science.

It is hoped that an arrangement may be made in regard to the transportation of these exchanges which will reduce the expenses to a mere trifle.

Will the Smithsonian Institution, which is already organized for this kind of work, and which has been making exchanges with a certain number of foreign governments for a good many years, assume to do this work in the more enlarged and more official scale which is now proposed, and enter, as the occasion presents, into direct communication with the different foreign bureaus; or will it demand to do this work through the foreign legations of the United States; or, finally, will it prefer, if the State Department will do this work, to abandon it to the State Department entirely?

The foreign bureaus would much prefer, for the sake of simplicity and uniformity in the service, that the work should be done in the United States exactly as it is done here; that is to say, by a special bureau established within the State Department. The American legation at Paris would also prefer that the exchange should be made by direct communication through the bureau rather than through its agency, and it is probable that the other European legations where exchanges are to be made would also prefer the direct communications.

Nevertheless, as regards the Smithsonian Institution, the relations of this institution to the government of its superior facilities for this kind of work are so well known, that in the various meetings of the congress no objection was ever raised to its assimilation with the proposed official bureau of the different governments.

As I have already had the honor of informing your excellency, the last meeting of the congress was composed exclusively, with the exception of myself, of official personages, some thirty in number, mostly members of the diplomatic corps; and I desired to know of your excellency whether it would not be more appropriate for one of the members of the American legation to assume hereafter the duty of representing the United States in this congress. In view of the fact, however, that there may not be more than one or two more meetings of the congress, I have been requested by the legation to continue to fill the duty of delegate to the end.

I have, &c.,

W. E. JOHNSTON, M. D.

No. 127.

*Mr. Noyes to Mr. Evarts.*

No. 141.]

LEGATION OF THE UNITED STATES,  
*Paris, September 19, 1878. (Received October 3.)*

SIR: I had the honor to telegraph you on the evening of September 16, as follows:

EVARTS, *Washington*:

Six thousand dollars, contributed here for yellow fever sufferers, stands to your credit Munroe's, New York.

Please distribute. More will be sent.

NOYES.

On the same evening I received the following reply:

NOYES, *Minister, Paris*:

Telegram received. You have thanks of Department for this public service.

EVARTS, *Secretary*.

I have, &amp;c.,

EDWARD F. NOYES.

No. 128.

*Mr. Noyes to Mr. Evarts.*

No. 143.]

LEGATION OF THE UNITED STATES,  
*Paris, September 20, 1878. (Received October 3.)*

SIR: The Paris Exposition of 1878 is now drawing towards its close. It has proved eminently successful, and in many respects is undoubtedly the best exhibition which the world has seen. It is highly creditable to the Republic of France that it has been able in the present depressed condition of financial affairs to make so magnificent a display.

While the American exhibit is not large, we have great reason to be proud of its character. Had the invitation of the French Government been earlier accepted, and had the Congressional appropriation been more ample, there is reason to believe our exhibit would have been very imposing. As it is, Americans will carry away more prizes than exhibitors of any other country in proportion to the number of exhibits. They take seven or eight grand prizes, and a very large number of gold, silver, and bronze medals. The official announcement of prizes has, however, not yet been made.

The greatest credit is due to Commissioner-General McCormick for the admirable manner in which he has conducted the affairs of his department. He has exhibited rare good judgment, efficiency, and economy, to all of which he has added graceful bearing and popular manners. His assistants have also been most wisely selected. The American exhibit and its management have been very highly commended here by all classes and by the representatives of all nations.

I am happy to say that the relations of this legation to the commissioner-general of the United States and his assistants have been most cordial, harmonious, and friendly.

I have, &amp;c.,

EDWARD F. NOYES.

No. 129.

*Mr. Noyes to Mr. Evarts.*

[Telegram.]

PARIS, September 24, 1878. (Received September 24.)

EVARTS, Washington:

Four thousand dollars more yellow fever fund sent your credit New York, including five thousand francs from Marshal and Madame MacMahon.

NOYES.

No. 130.

*Mr. Noyes to Mr. Evarts.*

No. 146.]

LEGATION OF THE UNITED STATES,  
Paris, September 27, 1878. (Received October 9.)

SIR: I have the honor to forward for the inspection of the Secretary of State a complete list of the Paris contributors to the fund for the relief of sufferers from yellow fever in America.

It is very gratifying to have met with so generous a response to my appeal for assistance, which was addressed to the Americans in Paris. It will be observed, however, that the contributions have not been confined to American citizens, but that considerable sums have been received from the French people, including 5,000 francs from the Marshal President and Madame MacMahon.

The sum of about 10,000 francs was forwarded directly to the Howard Association, and did not pass through the legation. This, together with the \$10,000 sent to the Secretary of State, makes the entire contribution to this date about 60,000 francs.

Should the suffering continue, an additional amount will be collected and forwarded. A number of official entertainments are now contemplated in aid of this fund.

I have had the honor to thank, in the name of the Secretary of State, all the contributors, and, in a special manner, the President of the French Republic and Madame MacMahon.

I have, &amp;c.,

EDWARD F. NOYES.

[Inclosure in No. 146.]

*List of subscribers to the fund for the relief of the yellow-fever sufferers in the United States.*

Amount collected through the legation: John W. Mackay, 10,000 francs; Henry Rosener, 1,000 francs; Edmond Godchaux, 500 francs; Dr. Henri Machtel, 20 francs; H. Mahler, 20 francs; Lazard Frères et Cie., 5,000 francs; anonymous, 5 francs; id., 20 francs; C. C. Thompson, 100 francs; Hadamard & Bruhl, 500 francs; Dr. Maurice Deutsch, 5 francs; Mr. Menier, deputy, 1,000 francs; Princesse de M., 10 francs; Isaac H. Burch, 510 francs; George Merrill, 20 francs; anonymous, 20 francs; M. de la Motte, 20 francs; Gen. J. M. Read, 100 francs; Fred J. Palmer, 500 francs; Mme. J. B. Lesieur, 80 francs; R. R. Hitt, 100 francs; Ch. Baggio, 50 francs; Henry Moreau, 50 francs; George C. S. Southworth, 20 francs; Henry Vignaud, 100 francs; M. Caubert, 100 francs; H. J. Butterfield, 200 francs; B. Roux, 10 francs; anonymous, 20 francs; A. Bartholdi, 100 francs; anonymous, 10 francs; Henry Cancurit, 100 francs; Sherbette, Kane & Co., 250 francs; anonymous, 5 francs; J. Hauguel, 5 francs; Caroline

Murray, 100 francs; Leon Perret, 100 francs; Mr. Hurtt, 20 francs; Mr. Gourlay, 5 francs; Mrs. G., 10 francs; M. Lavanoux, 25 francs; Verde, Delisle & Cie., 200 francs; Mrs. O. B., 60 francs; Mme. Allard, 20 francs; Abbe Rambouillet, 5 francs; M. A. de M., 64.35 francs; E. F. Myers (additional to American chapel contribution), 250 francs; anonymous (through American Register), 60 francs. To which is to be added a generous contribution from the Marshal-President and Madame McMahon, 5,000 francs.

Amount collected through the United States consulate-general: C. Briandet, 20 francs; S. Ventez, 50 francs; Mme. Smith, 10 francs; M. and Mme. H., 500 francs; A. C. Whiteomb, 100 francs; anonymous, 5 francs; Mme. Vve. L. et son fils, 20 francs; C. M. Beach, 250 francs; Lecomte, 200 francs; P. Maulvault, 5 francs; H. Woods, 200 francs; Mr. Piené, 5 francs; Miss Upton, 20 francs; anonymous, 500 francs; Dr. J. Marion Sims, 1,000 francs; Melle. Bouton, 15 francs; Mme. Moutsimon, 5 francs; John R. Stahel, 25 francs; Mrs. R., 20 francs; John C. Wise, U. S. A., 20 francs; G. Clouet, 1 franc; A. Ralu, 40 francs; Mme. F., 2 francs; Madame Lorean, 100 francs; Pleyel, Wolff & Cie., 200 francs; M. Clement (of Raon), 1 franc; Villemin, inspector des postes, 10 francs; anonymous, 2 francs; Baibrei Daffour, 20 francs; A. Lecomte & Cie, 100 francs; George Wickham, 20 francs; Caillier, 50 francs; Mme. Lockroy (miere), 20 francs; F. Vogel & Cie, 500 francs; anonymous (per letter), 5 francs; M. Sappet, 5.10 francs; Messrs. Marco et Saul de la Salle, descendant of Cavalier de la Salle, 20 francs; Nathan Appleton, 20 francs; Mme. Adolphe Durand, 200 francs; M. E. Dauphin, 10 francs; E. Lariviere, 5 francs; Delaporte, 10 francs; Messrs. Marcuard Andre & Cie., 2,500 francs; B. G. S., 5 francs; A. Montluc, commercial agents Mexico, 100 francs; Emile Gay, 40 francs; Lieutenant Hutchins, 20 francs; Albert Cohens, 20 francs; M. H. Vanleen, 5 francs; Ph. Jalabert, Doyende la Faculté de Droit, Nancy, 10 francs; R. W. Corbin, 500 francs; Mme. Hort (Vincennes), 5 francs; John T. Hoffman, 125 francs; Messrs. Hottinguer & Cie., 1,000 francs; Leclerc, notarie, Charenton, 20 francs; Mlle. Garre, 10 francs; M. Armand Belic-Senatuer, 100 francs; Louis Sellier, Chalons-sur-Marne, 200 francs; A. Marie, Nancy, 5 francs; C. de Satgé, Dinan, 25 francs; anonymous, through Consul Vesey, 75 francs; Mr. Schneider (Adolphe), 50 francs; Marquis de la Gandara, M. L. C., 500 francs; Veit & Nelson, 50 francs; anonymous, 40 francs; E. Hitt, 40 francs; Mrs. Westingham (Pittsburg), 50 francs; Bernard S. Merzbach, 25 francs; Talmann Livy, 100 francs.

Collected through Commissioner-General R. C. McCormick: R. C. McCormick 250 francs; Commissioner F. A. P. Barnard, 100 francs; Commissioner D. J. Morrell, 100 francs; Commissioner W. P. Blake, 100 francs; Commissioner S. C. Jewett, 100 francs; Alexander Djollot, 100 francs; John D. Philbrick, 40 francs; Colonel Anson Mills, U. S. A., 30 francs; D. M. Armstrong, 25 francs; Em. Turguam, 20 francs; Thomas W. Knox, 20 francs; Owen Jones, 20 francs; A. Salmon, 20 francs; Robert Briggs, 10 francs; Charles Colné, 10 francs; H. J. Thompson, 10 francs; William St. Martin, 10 francs; J. A. Reed, 10 francs; H. P. Curtis, 10 francs; Ch. Guichard, 5 francs; a lady, 3 francs; W. F. Stidham, 10 francs; cash collections, 369 francs; total, 1,372 francs.

Collected through Monroe & Co.: Monroe & Co., 500 francs; Geo. H. Draper, 100 francs; S. B., 250 francs; Lucrétia E. McGuire, 10 francs; J. B. Bruse, 20 francs; J. A. Thatcher, 200 francs; E. D. Smith, 100 francs; anonymous, 20 francs; A. Ludlow Case, 100 francs; Cte. de Camnear, 100 francs; K., 20 francs; J. K., 20 francs; K. S., 20 francs; Henry Reed, 100 francs; Occident, 60 francs; Mme. André Walther, 50 francs; William T. Moore, 50 francs; Judge Miller, 20 francs; Anna E. Bissell, 250 francs; Mary Lafroy, 100 francs; James Phalen, 250 francs.

Collected through Drexel, Harjes & Co., 500 francs; Mr. H. F., 10 francs; anonymous, 60 francs; C. M. Magee, 100 francs; L. Hüffer, 100 francs; Canmont, 40 francs; collections, 50 francs.

Collected through Seligman Frères & Cie.: Seligman Frères & Cie., 500 francs; E. Spielmann, 10 francs; Camille Roth, 100 francs; A. Lange and S. Tentsch, 25 francs; Lehman & Cohen, 100 francs; H. S. Firman, 250 francs; Bernstein & Faider, 200 francs; Goldschmidt, Ran & Co., 50 francs; T. Camondo & Co., 500 francs.

Collected through the New York Herald office: J. J. Ryan, 100 francs; J. Russell Young, 100 francs; P. J. Magrath, 25 francs; Lachevre, 5 francs; Grandidier, 5 francs; S. M. Hamilton, 5 francs; P. C. Fiske, 20 francs; J. M. Cornell, 5 francs; E. Muzio, 40 francs; Chas. R. Gregory, 25 francs; J. R. Percy, 10 francs; Tussey, 1 franc; L. Simonin, 10 francs; B. Ullman, 20 francs; R. Gignoux, 40 francs; H. Ellenhausen, 5 francs; Chas. Hartwick, 5 francs; B. Hotchkiss & Co., 400 francs; Worth, 100 francs; Fitch Shepard, 50 francs; Thomas Robinson, 20 francs; Walter A. Wood, 20 francs; Warren K. Southwick, 12 francs; A. Galland, 5 francs; anonymous, cash, 5 francs; G. E. F., 5 francs; J. Blum, 20 francs; Mrs. John A. Robinson, 100 francs; John T. Morton, 20 francs; Louis Hauser, 100 francs; H. J. Holzschuh, 20 francs.

Collected through Galignani's Messenger: Galignani's Messenger, 300 francs; M. Davis, 20 francs; E. W. Markley, 25 francs; J. Gandfroy, 20 francs.

Collected through Continental Gazette: Baron de L. C., 20 francs; cash, 3 francs; H. Duprat de Mezaïlles, 100 francs; M., 5 francs; Laquean 20 francs.

Collected through the American Episcopal Church, Rev. J. Morgan: Cash, 4,129.66 francs.

Collected through the American Chapel; Cash, names of contributors not given. 1,138.60 francs; J. M. Sims, 100 francs; R. W. Burnett, 100 francs; Joseph T. Evans, 20 francs; Rev. E. W. Hitchcock, 20 francs; M. Stearnes, 200 francs; F. W. Pemberton, 100 francs; E. F. Noyes, 250 francs.

## SUMMARY.

	Francs.
United States legation.....	26,469.35
United States consulate-general.....	10,381.10
United States commissioner general.....	1,372.00
Munroe & Co.....	2,340.00
Drexel, Harjes, & Co.....	860.00
Seligman Frères & Co.....	1,735.00
New York Herald.....	1,298.00
Galigani's Messenger.....	365.00
Continental Gazette.....	148.00
American Episcopal Church.....	4,129.65
American Chapel.....	1,928.60
Total.....	51,026.70

## No. 131.

*Mr. Evarts to Mr. Noyes.*

No. 89.]

DEPARTMENT OF STATE,  
Washington, September 28, 1878.

SIR: Owing to the very general misapprehension shown by tourists returning to the United States with respect to the dutiable or non-dutiable character of their personal effects, the Treasury Department has prepared an explanatory circular on the subject, a copy of which, with the form of the custom-house declaration therein mentioned, is herewith transmitted to you.

The circumstance that large numbers of American travelers abroad are understood to visit your legation, makes it an appropriate channel for bringing to their knowledge the regulations of the Treasury and the laws of the United States in the matter of personal luggage applicable to them on their return to this country. With that object in view, two additional copies of the circular and declaration are herewith inclosed. They may be mounted in any convenient manner on a single sheet, so as to be read as a whole, and posted in a conspicuous place in your offices, with a prominent heading, inviting attention to the regulations as of interest to American travelers about to return to the United States.

I am, &c.,

WM. M. EVARTS.

[Circular.]

## TOURISTS' EFFECTS.

TREASURY DEPARTMENT,  
Washington, D. C., July 29, 1878.

*To Collectors of Customs and others:*

The attention of the department has been invited to the fact that tourists and other persons visiting foreign countries return to the United States with articles subject to duty.

Such tourists are often under the erroneous impression that all articles purchased for their personal use, or for the use of friends, or intended as presents, are exempt from duty.

Officers of the customs and United States consular officers abroad are therefore instructed to inform them, as far as practicable, of the laws and regulations relating to such importations, and especially of the provisions of the Revised Statutes imposing penalties for the unlawful importation of merchandise into the United States.

All articles subject to duty, whether contained in baggage or otherwise, must be reported to the customs officers on arrival at a port in the United States, under the penalties of section 2802 of the Revised Statutes, which is as follows:

"Whenever any article subject to duty is found in the baggage of any person arriving within the United States, which was not, at the time of making entry for such baggage, mentioned to the collector before whom such entry was made by the person making entry, such article shall be forfeited, and the person in whose baggage it is found shall be liable to a penalty treble the value of such article."

Persons who arrive in the United States will be required to make due entry, on blanks to be furnished them by the proper customs officer, of the articles believed to be entitled to free admission under the provisions of the law above referred to, and to make oath, as provided for by section 2799 of the Revised Statutes, that the entry contains a just and true account of the contents of the package or packages mentioned therein, and that no such packages contain any merchandise whatever other than the articles specified.

A separate entry must be made of all dutiable articles contained in the baggage, to which the oath of the passenger must also be annexed. Such entry must specify the name of the article, the precise quantity thereof, and the exact cost or foreign market value. It will be the duty of the surveyor of customs to see that the baggage-entry is made by each cabin passenger, and filed in the custom house. Blank forms will be furnished by the customs officers to the passengers, and the officers of the steamers are hereby respectfully requested to co-operate with this department in its efforts to carry out the law by delivering to each passenger one or more of the blanks.

The following articles are free of duty:

Amber beads.

Articles, the growth, produce, and manufacture of the United States, when returned in the same condition as exported. But proof of the identity of such articles shall be made under regulations to be prescribed by the Secretary of the Treasury; and if such articles were subject to internal tax at the time of exportation, such tax shall be proved to have been paid before exportation and not refunded. These regulations require the production of the following documents on free entry of American goods: *First*. Recent evidence from the files of the custom-house of the fact of exportation. *Second*. The oath of the party making entry that the goods are of domestic production or manufacture. *Third*. A certificate of the foreign customs officer at the port of shipment, countersigned by a consul of the United States, showing that such merchandise was imported into that country from the United States in the condition in which it is returned. Where there is no customs officer at the foreign port of shipment, the certificate of the foreign recipient of the goods, countersigned by a United States consul, may be accepted in lieu thereof.

Birds, stuffed.

Birds, singing and other, and land and water fowls.

Books which shall have been printed and manufactured more than twenty years at the date of importation.

Books, professional, of persons arriving in the United States.

Books, household effects, or libraries, or parts of libraries, in use of persons or families from foreign countries, if used abroad by them not less than one year, and not intended for any other person or persons, nor for sale.

Cabinets of coins, medals, and all other collections of antiquities.

Collections of antiquity, specially imported, and not for sale.

Diamonds, rough or uncut.

Dried and prepared flowers.

Fans, common palm-leaf.

Fruit-plants, tropical and semi-tropical, for the purpose of propagation or cultivation.

Manuscripts.

Medals of gold, silver, or copper.

Mineral waters, all, not artificial.

Models of inventions and other improvements in the arts. But no article or articles shall be deemed a model, or improvement, which can be fitted for use.

Ores of gold and silver.

Palm and cocoa-nut oil.

Personal and household effects, not merchandise, of citizens of the United States dying abroad.

Seeds: cardamom, caraway, coriander, fenugreek, fennel, cummin, and other seeds, not otherwise provided for.

Seeds: anise, anise star, canary, chia, sesamum, sugar-cane, and seeds of forest trees.

Shells of every description, not manufactured.



Specimens of natural history, botany, and mineralogy, when imported for cabinets as objects of taste or science, and not for sale.

Teams of animals, including their harness and tackle, actually owned by persons immigrating to the United States with their families from foreign countries, and in actual use for the purposes of such immigration.

Tortoise and other shell, unmanufactured.

Wafers.

Wearing apparel in actual use, and other personal effects (not merchandise), professional books, implements, instruments, and tools of trade, occupation, or employment of persons arriving in the United States. But this exemption shall not be construed to include machinery or other articles imported for use in any manufacturing establishment or for sale.

Works of art; paintings, statuary, fountains, and other works of art, the production of American artists. But the fact of such production must be verified by the certificate of any consul or minister of the United States, indorsed upon the written declaration of the artist.

The following classes of goods are subject to the rates of duty named:

Manufactures of cotton not specially provided for, 35 per cent. ad valorem.

Manufactures of flax not specially provided for, 40 per cent. ad valorem.

Thread lace and insertings, 30 per cent. ad valorem.

Spirits, manufactured or distilled from grain or other materials, \$2 per proof gallon.

Schedule D of the Revised Statutes provides as follows: "Wines, brandy, and other spirituous liquors imported in bottles, shall be packed in packages containing not less than one dozen bottles in each package; and all such bottles shall pay an additional duty of three cents for each bottle. Any brandy or other spirituous liquors imported in casks of less capacity than fourteen gallons shall be forfeited to the United States."

Cigars, cigarettes, and cheroots, \$2.50 per pound and 25 per cent. ad valorem. In addition to this, an internal-revenue tax of \$6 per thousand on cigars and cheroots, and on cigarettes weighing over three pounds per thousand. On cigarettes weighing three pounds or less per thousand, \$1.75 per thousand.

Section 2804 of the Revised Statutes provides as follows: "No cigars shall be imported unless the same are packed in boxes of not more than five hundred cigars in each box, and no entry of any imported cigars shall be allowed of less quantity than three thousand in a single package."

Cigars found in the baggage of any person arriving from a foreign country, not exceeding five hundred in number, may be delivered upon payment of a fine equivalent to what the duty would have been had the importation been a legal one, without the special intervention of this department.

Women's and children's dress-goods, composed wholly or in part of wool or worsted, value not exceeding 20 cents per square yard, 6 cents per square yard and 35 per cent. ad valorem; at above 20 cents per square yard, 8 cents per square yard and 40 per cent. ad valorem. Any such goods weighing four ounces and over per square yard, 50 cents per pound and 35 per cent. ad valorem.

Clothing, ready-made, and wearing apparel of every description, composed in part of wool or worsted, 50 cents per pound and 40 per cent. ad valorem.

All manufactures of silk, or of which silk is a component of chief value, not having 25 per cent. or over in value of cotton, flax, wool, or worsted, 60 per cent. ad valorem.

Kid, and other gloves of leather, 50 per cent. ad valorem.

Jewelry, 25 per cent. ad valorem.

Paintings and statuary not specially provided for, 10 per cent. ad valorem.

Precious stones, unset, 10 per cent. ad valorem.

The foregoing are general statements of provisions of law relating to the classes of goods specified, but the rates referred to are modified in many instances by specific designations of articles paying other rates of duty.

Attention is also called to the notice to cabin passengers found on the back of the form of entry of baggage and of all dutiable articles brought by cabin passengers. (Cat. No. 1129.)

JOHN SHERMAN,  
*Secretary.*

#### NOTICE TO CABIN PASSENGERS.

The baggage of passengers will be landed upon the steamship wharf as soon as practicable after vessel is docked. But before any baggage is delivered each passenger will be required to make, under oath, an entry of his or her baggage, and a separate entry, also under oath, of all articles contained in his or her baggage which, by United States laws, are subject to duty, and to pay such duty, if any.

The blank forms of the entries to be made will (if practicable) be furnished to each passenger after the vessel leaves quarantine by the customs officers, who will also give

the passenger all necessary information relative thereto. In case no customs officers come on board at quarantine, the forms of entries will be furnished when the vessel arrives at her wharf.

The senior member of a family coming together, if sufficiently acquainted with the contents of the baggage of the whole party to make a sworn statement of the same, may be allowed to include all such baggage in one entry.

Whenever any trunk or package brought by a passenger as baggage contains articles subject to duty, and the value thereof exceeds \$500, or if the quantity or variety of the dutiable articles is such that a proper examination, classification, or appraisement thereof cannot be made at the vessel, the trunk or package will be sent to the public store for appraisement.

The attention of passengers is directed to the following laws of the United States, and the regulations of the Treasury Department, relative to the importation and entry of baggage:

SECTION 2505. The importation of the following articles shall be exempt from duty: \* \* \* Wearing apparel in actual use, and other personal effects (not merchandise), professional books, implements, instruments, and tools of trade, occupation, or employment of persons arriving in the United States. \* \* \*—(*Revised Statutes of the United States*.)

SECTION 2799. In order to ascertain what articles ought to be exempted as the wearing apparel, and other personal baggage, and the tools or implements of a mechanical trade only, of persons who arrive in the United States, due entry thereof, as of other merchandise, but separate and distinct from that of any other merchandise, imported from a foreign port, shall be made with the collector of the district in which the articles are intended to be landed by the owner thereof, or his agent, expressing the persons by whom or for whom such entry is made, and particularizing the several packages and their contents, with their marks and numbers; and the persons who shall make the entry shall take and subscribe an oath before the collector, declaring that the entry subscribed by him, and to which the oath is annexed, contains, to the best of his knowledge and belief, a just and true account of the contents of the several packages mentioned in the entry, specifying the name of the vessel, of her master, and of the port from which she has arrived; and that such packages contain no merchandise whatever other than wearing apparel, personal baggage, or as the case may be, tools of trade, specifying it; that they are all the property of a person named who has arrived, or is shortly expected to arrive in the United States, and are not, directly or indirectly, imported for any other, or intended for sale.—(*Revised Statutes of the United States*.)

SECTION 2802. Whenever any article subject to duty is found in the baggage of any person arriving within the United States, which was not, at the time of making entry for such baggage, mentioned to the collector before whom such entry was made, by the person making entry, such article shall be forfeited, and the person in whose baggage it is found shall be liable to a penalty of treble the value of such article.—(*Revised Statutes of the United States*.)

ARTICLE 399. "Professional books, implements, and tools of trade, occupation, or employment," are understood to embrace such books or instruments as would naturally belong to a surgeon, physician, engineer, or scientific person returning to this country. \* \* \*—(*Customs Regulations*, 1874, p. 192.)

ARTICLE 400. Jewelry that has been worn or is in use as a personal ornament may be admitted free of duty. \* \* \*—(*Customs Regulations*, 1874, p. 192.)

Duty must be demanded on all watches but one brought into the United States by a single passenger. If all the watches are old, the passenger may choose the one to be treated as personal effects. If some are old and some new, the new are to be included among those treated as subject to duty.—(*Synopsis of Decisions*, 1868 (170), p. 52.)

\* \* \* So far as wearing apparel is concerned, only those articles which have been in actual use are exempted from duty. \* \* \* New articles of clothing which have not been in actual use abroad, and not necessary for the present comfort or convenience of the owner, are chargeable with duty; and the fact that they are intended for the future use of the person who brings them, or of another person, and are not for sale does not exempt them from duty.

Tourists and passengers are, therefore, cautioned to preserve the proper care, when arriving with articles claimed to be free as personal effects, in making a separate statement of their effects which have been in actual use abroad from those which are new, in order that the customs officers may readily decide what portions are liable to or exempt from duty.—(*Department Circular*, dated February 23, 1875.)

[Revised Statutes of the United States, sec. 2799.]

Entry of baggage imported by \_\_\_\_\_, a passenger in the steamer \_\_\_\_\_, whereof \_\_\_\_\_ is master, from \_\_\_\_\_, port of \_\_\_\_\_, 187-.

Marks.	Numbers.	Packages and contents.
		Trunks,
		Boxes,
		Bags,
		Parcels,
		Other packages, viz:

PORT OF \_\_\_\_\_:

I do solemnly swear that this entry contains, to the best of my knowledge and belief, a just and true account of the contents of the several packages mentioned in the entry, and that such packages contain no merchandise whatever other than wearing apparel, personal baggage, or tools of trade specified in said entry; that they are all the property of myself and members of my family, who have lately arrived in the vessel above named, and are not, directly or indirectly, imported for any other person or intended for sale.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 187-.

Examined.—No dutiable articles found, except as stated and entered.

\_\_\_\_\_  
Deputy Collector.

\_\_\_\_\_  
Inspector.

[Act of June 22, 1874, secs. 9 and 10.]

Statement and entry of dutiable articles imported by \_\_\_\_\_, a passenger in the steamer \_\_\_\_\_, whereof \_\_\_\_\_ is master, from \_\_\_\_\_, port of \_\_\_\_\_, 187-.

Description of articles.	Actual cost, or foreign market value.	Rate of duty.	Duties.

PORT OF \_\_\_\_\_:

I do solemnly swear that it is impracticable for me to produce a certified invoice of the articles mentioned in this statement and entry for the reason that they were purchased at different times and places while traveling,\* \_\_\_\_\_ and that the prices above set forth show the actual cost or foreign market value of the articles named, to the best of my knowledge, information, and belief.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 187-.

\_\_\_\_\_  
Appraiser

\_\_\_\_\_  
Deputy Collector.

\_\_\_\_\_  
Collector's Clerk.

\_\_\_\_\_  
Naval Office Clerk.

\* If other reasons exist they should be stated.

No. 132.

*Mr. Noyes to Mr. Evarts.*

No. 153.]

LEGATION OF THE UNITED STATES,  
*Paris, October 11, 1878. (Received October 25.)*

SIR: I have the honor to inclose an additional list of the names of contributors to the fund in aid of the sufferers from yellow fever in America.

It will be observed with satisfaction that the French people, members of the cabinet and others, including distinguished names, have responded liberally to the sufferings of our country-people. The generosity has been spontaneous and unsolicited.

Before this dispatch reaches the State Department, a considerable sum of money will have been forwarded to you in addition to the amount heretofore transmitted.

I have, &c.,

EDWARD F. NOYES.

[Inclosure in No. 153.]

*List of subscribers to the fund for the relief of the yellow fever sufferers in the United States.*

United States legation: M. Boquet (de l'Eure), 5 francs; A. B. Mauritz, 20 francs; Adolph H. Reitlinger, 500 francs; M. Ferdinand Duval (prefect of the Seine), 300 francs; Dr. Wm. E. Johnston, 50 francs; B. Berend, 500 francs; G. Saisne d'Hauteville, 10 francs; M. de Warrechin, 20 francs; A. H. Reitlinger & Co., 500 francs; M. Edward Delano, 100 francs; Mr. Waddington (minister of foreign affairs), 500 francs; A. Hutchinson & Co., 500 francs; Mr. Mollet (d'Orleans), 5 francs; Messrs. Woodman & Co., 60 francs; Grand Orient de France, 1,000 francs; M. le General Borel (minister of war), 500 francs; M. le Préfet des Deux Sevres, 50 francs; cash, 500 francs; Oseur de Lafayette, 500 francs; M. de Marcére (minister of the interior), 300 francs; M<sup>me</sup> Vre. Gilly, 20 francs; G. P. Harding, 1,000 francs; M. Leon Say (minister of finances), 300 francs; Frederick Grand d'Hauteville, 500 francs; John T. Lorj, 100 francs; M. le Duc de Nemours, 500 francs; A. Boucicaut (Bon Marché), 1,000 francs.

Collected through the United States consulate-general: Claude Gignoux, 200 francs; anonymous, 10 francs; Rev. John Cornell (through Consul Vesey), 50 francs; William T. Moore, 50 francs; Antoine May, 50 francs; Miss Clementine Poirson, 20 francs; M<sup>me</sup>. Vre. Poirson, 20 francs; a friend, 20 francs; S. W. Kastor, 100 francs; Vilmovin, Andrieux & Cie, 100 francs; Mine. Cayet, 100 francs; M. D. Spaulding, 500 francs; Frénée Landry (Douai), 10 francs; Charles Lecoin, 10 francs; John Ehrendall, 150 francs; L. Palix? (Lyons), 200 francs; the widow of an American Army officer who died of yellow fever (her three-months' pension, £10 4s., netting 257.30 francs; M. le Prince de Chalais, 500 francs; M. Gustave Honegger, 20 francs; Jacques Schupp, 20 francs.

Collected through the United States commissioner-general, Paris Exhibition: B. Berend, jr., 100 francs; Dr. W. H. Reever, 125 francs; R. A. C. Doran, U. S. N., 100 francs; A. H. Girard, 20 francs; Lieut. B. R. Russell, 10 francs; D. C. Thatcher, 10 francs; Mr. Gruby, 10 francs; Thomas Stokes, 10 francs; Dr. T. E. Perkins, 10 francs; Lieut. W. F. Zeilen, 10 francs; Lieut. B. H. Buckingham, 40 francs; cash (no names given), 119 francs.

Collected through Munroe & Co.: Anonymous, 20 francs; T. H. Purdy, 130 francs; New York, 60 francs; Henry B. Brewster, 50 francs; Gerard H. Coster, 100 francs; anonymous, 20 francs; A. B. McCreery, 500 francs.

Collected through Drexel, Harjes & Co.: Benjamin, 20 francs; Schloss, 20 francs; Vanderheyem, 20 francs; anonymous, 100 francs; W. H. Stewart, 500 francs; W. L. M., 100 francs; Henry Chauncey, 150 francs; Robert Blackie, 20 francs; Little Boy, 20 francs; Mrs. S., 20 francs.

Collected through Seligman, Frères & Cie.: Henry Kayser, 20 francs; Felix Pécquet & Salies de Bearn, 10 francs.

Collected through Galigiani's Messenger: M. Barrier, 5 francs; an American lady from Wiesbaden, 50 francs.

Collected through New York Herald office: Goupil & Co., 200 francs; anonymous, 50 francs; G. L. C., 20 francs; L. N., 50 centimes; Vanhymbeck (Grand Hotel), 20 francs; Louis Dupont, 10 francs; Grandidier (second subscription), 15 francs; G.

Gamard, 20 francs; Marchal, 1 franc; C. Fernandez, 5 francs; Juan, 1 franc; J. J. Barlow, 20 francs; Lefebore, 50 centimes; Rodolphe, 100 francs; Bonheur, 10 francs; Mme. Cam, 25 francs; Jules Emile Saintin (artist), 30 francs; Gilbert C. Rice, 100 francs; anonymous, 1 franc; Mme. E. Mayer, 5 francs.

Collected through the American Register: The Misses Logan, 20 francs; a subscriber, 40 francs; Mme. Wadsworth, 20 francs; a constant reader, 10 francs; cash, 10 francs.

Collected through Continental Gazette: Pons, 20 francs; Dr. E. B. Lond, 100 francs; Henry Upham, 40 francs; N. N., 20 francs; cash, 500 francs.

## SUMMARY.

Collected through—

	Francs.
United States legation .....	9,340.00
United States consulate-general .....	2,387.30
United States commissioner-general .....	564.00
Messrs. Munroe & Co. ....	880.00
Messrs. Drexel, Harjes & Co. ....	970.00
Messrs. Seligman, Frères & Co. ....	30.00
Galignani's Messenger .....	55.00
New York Herald office .....	589.00
American Register .....	100.00
Continental Gazette .....	680.00
Total .....	15,595.30

No. 133.

*Mr. Noyes to Mr. Evarts.*

[Telegram.—Received October 17, 1878.]

EVARTS, *Washington* :

Four thousand dollars more with Munroe, your credit for yellow fever.

NOYES,  
*Paris.*

No. 134.

*Mr. Noyes to Mr. Evarts.*

No. 159.]

LEGATION OF THE UNITED STATES,  
*Paris, October 25, 1878. (Received November 7.)*

SIR: I have the honor to transmit an additional list of contributors to the fund for the relief of sufferers from yellow fever in America. The Department will, I am sure, be interested in observing the names of many prominent French citizens.

As the dispatches from America indicate that early frosts have checked the ravages of the fever; that the relief organizations are being disbanded, and that business is being resumed, I shall, in a day or two, publish notice that no further contributions are required here, and conveying the thanks of my government and people for the sympathy and generosity which have been manifested in Paris and other parts of France.

I have, &amp;c.,

EDWARD F. NOYES.

(Inclosure in No. 159.)

*List of subscribers to the fund for the relief of the yellow-fever sufferers in the United States.*

Collected through the legation: K. W. Sears, 500 francs; his excellency Admiral Pothnam (minister of the marine), 300 francs; his excellency M. Dufaure (minister of justice), 300 francs; M. Simonnet, 10 francs; G. Castelbon, 5 francs; Mme. Thevenin, 1,000 francs; Cercle Commercial du Louvre (through M. Heind), 700 francs; cash, 20 francs; his excellency M. Bardoux (minister of public instruction), 300 francs; A. J. Stern & Co., 1,000 francs; M. Le Serurier, 20 francs; the Count and Countess d'Eu, 400 francs; Mr. F. H. Delano, 1,000 francs; Mrs. F. H. Delano, 500 francs; Duc d'Audiffet Pasquier (president of the Senate), 500 francs; C. F. Worth (Rue de la Paix), 500 francs; F. Pinet, 100 francs; M. Campredon, 10 francs; anonymous, 60 francs; Mme. Vve. Leguy, 10 francs; M. le Comte de Paris, 1,000 francs; S. M. M., 200 francs; G. G. Bagard (Bacceret), 20 francs; G. Molleneau, 25 francs; William Cassius Goodloe, 100 francs; M. Pareau, 45 francs; Bertrand Milcent, deputy, 500 francs; Grands Magasins du Louvre, 1,000 francs.

Collected through the Journal Le Temps: Le Journal Le Temps, 200 francs; M. M. F. G., 10 francs; Mme. D., 5 francs; Ernest Brelay, 50 francs; Mme. Pannier, 100 francs; M. Pernolet, 100 francs; L. Poisson du Crenzot, 2.10 francs; Un Abonné (Cambrai), 50 francs; Tallois, 10 francs; M. Regnier, 20 francs; Jean Vaucher, 50 francs; R. Stamm de Wesseling, 15 francs; Mme. Corneau, 10 francs; Ad. Leveque à Peronne, 10 francs; C. Blamontier, 5 francs; M. Mahyer, 10 francs; J. Fuzier, Dr. Med., 10 francs; M. Lehman, 10 francs; anonymous, 5 francs; Aimé du Buit, 16 francs; un inconnu, 5 francs; O. Rouzeau Rochefort, 10 francs; Mme. G. Bloch, 40 francs; M. Lazare, 20 francs; Mme., Lucas (Rennes), 50 francs; Mme. Fourgassié née de Resloriere, 50 francs; Louis Hatt, de Schiltigheim, 50 francs.

Collected through Galignani's Messenger: Anonymous, from Nice, 100 francs.

Through American Register, Worth street, New York: 50 francs.

Through Continental Gazette: M. D. Valbesen, 20 francs.

Collected through New York Herald office: M. Henri Cernuschi, 200 francs; M. Filate, 5 francs; G. Depping (Red'r Journal Official), 5 francs; Abbot Lawrence, jr., 100 francs; C. H., 5 francs; H. S., 10 francs; Leon Biollay, 10 francs.

Collected through Drexel, Harjes, & Co.: J. H. S. F., 100 francs; L. B. Morgan, 30 francs; anonymous, 10 francs; Mme. Vasselot, 2 francs; Chasseur Ad. Pellé, 2 francs; Emily H. Stocker, 5 francs; anonymous, 15 francs.

## SUMMARY.

Collected through—

	Francs.
The American legation .....	10, 125 00
The Journal Le Temps .....	913 10
Galignani's Messenger .....	100 00
New York Herald office .....	335 00
American Register .....	50 00
Continental Gazette .....	20 00
Drexel, Harjes & Co .....	164 00
<b>Total .....</b>	<b>11,707 10</b>

No. 135.

*Mr. Noyes to Mr. Erarts.*

No. 162.]

LEGATION OF THE UNITED STATES,  
Paris, November 14, 1878. (Received November 27.)

SIR: I have the honor to forward to you herewith the final list of contributors to the yellow-fever fund. The last to present his generous offering was Prince Orloff, the Russian ambassador.

As in the presence of cool weather and frosts the pestilence seems to be abating, I have notified our friends here that it is believed no further subscriptions will be required.

Including the draft forwarded to you by mail through Munroe & Co. yesterday, the total amount sent by me is 82,718.70 francs, less the necessary expense of transmittal.

The total aggregate of all contributions in France, sent in various ways, and to different parties, for distribution, is not less than 150,000 francs.

I have, in the name of my government and people, thanked all those who so liberally responded to the wants of our stricken fellow-citizens.

I sincerely trust that the contributions sent from France have saved some precious lives, and have alleviated the sufferings of many persons.

I have, &c.,

EDWARD F. NOYES.

[Inclosure in No. 162.]

*List of subscribers to the fund for the relief of the yellow-fever sufferers in the United States.*

Collected through the legation: La Baunne Duparc, 25 francs; Dr. B. J. Bing, 500 francs; M. Callimaki Catargi, 50 francs; Mme. Henri Thuret, 100 francs; Mr. Daniel Thuret, 100 francs; M. Simonnet, 5 francs; anonymous, 1 franc; city of Toul (through its mayor), 200 francs; Mme. Desermieux, 100 francs; Mirio, 60 francs; Prince Orloff, 500 francs.

Collected through the United States consulate-general: Z. A. B., 100 francs; De Chatillon, père, 100 francs; Paul Bruhl, 25 francs; Mme. E. Bruhl, 50 francs; Ernest Aubry & Cie, 20 francs; J. D. McBurnie, 20 francs; Gustave Lippold, 100 francs; Rouyer, 10 francs; Bing fils et Gans, 100 francs; William Gans, 20 francs; Mme. M. A. De Pau, through Consul Vesey, Nice, 100 francs; Loge Heros de l'Humanité, 50 francs; Theodore Mendelson, 20 francs; Mme. Margueret, 5 francs; J. Prot & Cie (Maison Lubin), 100 francs; M. A. Robert, 20 francs; A. Louis Platière (Sarrebouurg), 20 francs; the treasurer of the congress of commerce and industry, organized by the Chambers Syndicales, surplus receipts, 40 francs; A. Poirrier, 100 francs; Benel, Garde Général des Forts, 10 francs; E. A. Naville, 10 francs; Ch. Murat, conseiller municipal, Paris, chevalier legion of honor, 100 francs; Marquis de Villeneuve, late prefect of the Alpes Maritimes (through Consul Vesey), 100 francs.

Collected through the New York Herald office: Edward M. Winslow, 10 francs; N. Huret, 2 francs; A. Tronche, 5 francs; Jules Favre, 10 francs; D. A. M., 40 francs; Ed. B. Fulda, 5 francs.

DIVERS.

Collected through Continental Gazette: A. B., 10 francs.

Seligman, frères & Cie: Emanuel Fernbach, 5 francs; Ernest Poppe, 5 francs.

Petit Moniteur: C. Kleczkowski, 2 francs.

Collected through Munroe & Co.: E. D. Mickerson, 50 francs; W. T. Shorthose, 50 francs; Mme. Emile, 15 francs; E. J. Fagundus, 100 francs; Campagnon, 10 francs; Barevuiet Drouin, 2.85 francs; E. K. Henderson, 100 francs; Ville de Besançon, 300 francs; Journal L'Union, 65 francs; La Democratie, 68.75 francs; collecté à l'Hotel de Ville, 97 francs.

SUMMARY.

Collected through—	Francs.
United States legation .....	1,641 00
United States consulate-general .....	1,220 00
New York Herald office .....	72 00
Petit Moniteur .....	2 10
Continental Gazette .....	10 00
Munroe & Co. ....	858 60
Seligman, frères & Cie .....	10 00
<b>Total .....</b>	<b>3,313 70</b>

No. 136.

Mr. Outrey to Mr. Evarts.

[Translation.]

LEGATION OF FRANCE IN THE UNITED STATES,  
Washington, January 14, 1878.

SIR: It appears from a report of the governor of French Guiana, addressed to the minister of the marine, that the captain of an American

brig refused, in the month of October last, to carry to Salem, Mass., certain condemned persons who have been liberated from our colony, basing his action upon a law passed by the State of Massachusetts which forbids the landing in its ports of persons belonging to this class. The United States consul at Cayenne having been unable to inform the director of the penitentiary service on this point, the minister of foreign affairs requests me to inform him as to the provisions on this subject which may be found in the Federal or State laws of the Union.

I therefore desire, Mr. Secretary of State, to have recourse to the accustomed kindness of your Department, begging that I may be enabled to reply to Mr. Waddington; and I gladly avail myself of this occasion to reiterate to you the assurances of my very high consideration.

MAX OUTREY.

---

No. 137.

*Mr. Evarts to Mr. Outrey.*

DEPARTMENT OF STATE,  
Washington, January 23, 1878.

SIR: I have the honor to acknowledge the receipt of your note of the 14th instant, stating that in October last the captain of an American vessel refused to carry to Salem, Mass., from French Guiana, certain condemned persons who had been liberated there, basing his action upon a law, passed by the legislature of the State of Massachusetts, forbidding the introduction into the State of persons of that character. As the consul of the United States at Cayenne was unable to impart any information upon the subject to the director of the penitentiary service, you, consequently, at the instance of the minister of foreign affairs of France, request to be informed of any statutory enactments now existing upon this point.

In compliance with your request, I inclose herewith a copy of section 22 of chapter 71 of the general statutes of Massachusetts of 1860, which contains the provisions to which it is presumed the master of the American vessel alluded to referred when he refused to take the criminals; and a copy of an act passed by the Congress of the United States, approved March 3, 1875. From these enactments it will be perceived that it is a penal offense to bring to and land upon the shores of this country criminals convicted in other countries.

Accept, &c.,

WM. M. EVARTS.

---

[Inclosure 1.]

*Section 22, chapter 71, of the general statutes of Massachusetts of 1860.*

If the master or other person having charge of a vessel, therein brings to and lands, or suffers to be landed, within this State, a person convicted in any other State or in a foreign country, of an infamous crime, or a crime for which he has been sentenced to transportation, knowing of such conviction, or having reason to suspect it, or a person of a notoriously dissolute, infamous, and abandoned life and character, knowing him to be such, he shall for every such offense forfeit a sum not exceeding five hundred dollars.

13 F R



[Inclosure 2.]

## AN ACT supplementary to the acts in relation to immigration.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in determining whether the immigration of any subject of China, Japan, or any Oriental country, to the United States, is free and voluntary, as provided by section two thousand one hundred and sixty-two of the Revised Code, title "Immigration," it shall be the duty of the consul-general or consul of the United States residing at the port from which it is proposed to convey such subjects, in any vessels enrolled or licensed in the United States, or any port within the same, before delivering to the masters of any such vessels the permit or certificate provided for in such section, to ascertain whether such immigrant has entered into a contract or agreement for a term of service within the United States, for lewd and immoral purposes; and if there be such contract or agreement, the said consul-general or consul shall not deliver the required permit or certificate.

SEC. 2. That if any citizen of the United States, or other person amenable to the laws of the United States, shall take, or cause to be taken or transported, to or from the United States any subject of China, Japan, or any Oriental country, without their free and voluntary consent, for the purpose of holding them to a term of service, such citizen or other person shall be liable to be indicted therefor, and, on conviction of such offense, shall be punished by a fine not exceeding two thousand dollars and be imprisoned not exceeding one year; and all contracts and agreements for a term of service of such persons in the United States, whether made in advance or in pursuance of such illegal importation, and whether such importation shall have been in American or other vessels, are hereby declared void.

SEC. 3. That the importation into the United States of women for the purposes of prostitution is hereby forbidden; and all contracts and agreements in relation thereto, made in advance or in pursuance of such illegal importation and purposes, are hereby declared void; and whoever shall knowingly and willfully import, or cause any importation of, women into the United States for the purposes of prostitution, or shall knowingly or willfully hold, or attempt to hold, any woman to such purposes, in pursuance of such illegal importation and contract or agreement, shall be deemed guilty of a felony, and, on conviction thereof, shall be imprisoned not exceeding five years and pay a fine not exceeding five thousand dollars.

SEC. 4. That if any person shall knowingly and willfully contract, or attempt to contract, in advance or in pursuance of such illegal importation, to supply to another the labor of any cooly or other person brought into the United States in violation of section two thousand one hundred and fifty-eight of the Revised Statutes, or of any other section of the laws prohibiting the cooly trade or of this act, such person shall be deemed guilty of a felony, and, upon conviction thereof, in any United States court, shall be fined in a sum not exceeding five hundred dollars and imprisoned for a term not exceeding one year.

SEC. 5. That it shall be unlawful for aliens of the following classes to immigrate into the United States, namely, persons who are undergoing a sentence for conviction in their own country of felonious crimes other than political or growing out of or the result of such political offenses, or whose sentence has been remitted on condition of their emigration, and women "imported for the purposes of prostitution." Every vessel arriving in the United States may be inspected under the direction of the collector of the port at which it arrives, if he shall have reason to believe that any such obnoxious persons are on board; and the officer making such inspection shall certify the result thereof to the master or other person in charge of such vessel, designating in such certificate the person or persons, if any there be, ascertained by him to be of either of the classes whose importation is hereby forbidden. When such inspection is required by the collector as aforesaid, it shall be unlawful, without his permission, for any alien to leave any such vessel arriving in the United States from a foreign country until the inspection shall have been had and the result certified as herein provided; and at no time thereafter shall any alien certified to by the inspecting officer as being of either of the classes whose immigration is forbidden by this section be allowed to land in the United States, except in obedience to a judicial process issued pursuant to law. If any person shall feel aggrieved by the certificate of such inspecting officer stating him or her to be within either of the classes whose immigration is forbidden by this section, and shall apply for release or other remedy to any proper court or judge, then it shall be the duty of the collector at said port of entry to detain said vessel until a hearing and determination of the matter are had, to the end that if the said inspector shall be found to be in accordance with this section and sustained, the obnoxious person or persons shall be returned on board of said vessel, and shall not thereafter be permitted to land, unless the master, owner, or consignee of the vessel shall give bond and security, to be approved by the court or judge hearing the cause, in the sum of five hundred dollars for each such person permitted to land, conditioned for the return of such person, within six months from the date thereof, to the country whence his or

her emigration shall have taken place, or unless the vessel bringing such obnoxious person or persons shall be forfeited, in which event the proceeds of such forfeiture shall be paid over to the collector of the port of arrival, and applied by him, as far as necessary, to the return of such person or persons to his or her own country within the said period of six months. And for all violations of this act, the vessel, by the acts, omissions, or connivance of the owners, master, or other custodian, or the consignees of which the same are committed, shall be liable to forfeiture, and may be proceeded against as in case of frauds against the revenue laws, for which forfeiture is prescribed by existing law.

Approved March 3, 1875.

## GERMANY.

No. 138.

*Mr. Everett to Mr. Evarts.*

No. 38.]

LEGATION OF THE UNITED STATES,  
*Berlin, February 25, 1878. (Received March 16.)*

SIR: I have the honor to inclose the speech of Prince Bismarck, delivered in the German Reichstag on the 19th instant, in answer to the interpellation mentioned in my last, with the best translation I have been able to make of it, though some passages seem intentionally obscure. The feeling generally in regard to it seems to be one of disappointment, first that it did not correspond with what had been put in his mouth in advance by the press, and, secondly, that it seems to indicate a greater disposition to keep the peace between Austria and Russia than between Russia and England.

I am informed on good authority that England has instructed her ambassador to leave St. Petersburg in the event of Russia taking certain steps unquestionably contemplated by her for securing the Turkish fleet as part indemnity for the war.

Russia is in the mean time pressing Turkey very hard to agree to the terms dictated. Opinion is now generally reserved till the conference, which it is supposed will shortly meet at Baden-Baden.

I have, &c.,

H. SIDNEY EVERETT.

[Inclosure in No. 38.—Translation.]

*Speech of Prince Bismarck, February 19, 1878.*

GENTLEMEN: I must first ask the indulgence of the Reichstag, if it is impossible for me to say standing all that I have to say. I am not as strong as I appear to be.

To return to the question, I cannot deny that at the first sight of the interpellation I had some doubts whether I would answer at all. The question, indeed, leaves me the option of answering you with a "No." But if I must not say this "No," it is not, as is generally thought, because I had much to conceal, through the exposure of which our policy might be compromised or its liberty restricted, but, on the contrary, because I, though willing to explain myself before the National Assembly, had really not enough to say beyond what was generally known.

The debates in the English Parliament have, indeed, nearly exhausted the answer to one part of the question, namely, "What is the present political situation in the East?" If in spite of the poverty with which I come before you, I have still not said "No," it is for fear that it might thence be inferred that I had much to keep silent about, and an impression of this kind always produces some uneasiness, especially when there is an additional idea of gaining by this silence. Thus I shall speak with the more freedom and pleasure, as from the manner in which the question was put I derive the impression that the German policy has nothing to do but to continue without change or turn in the line followed up to this time—if it is to express the meaning of the majority of the Reichstag, as we have just now heard it expressed.

As regards the actual situation, I suppose that anything that I could tell you is

already known. You know by the public press and by the debates in the English Parliament that now in the East we may say, "Arms repose and the storm of war is lulled," and, please God, for a long time. The armistice which has been concluded gives to the Russian army an unbroken position from the Danube to the Sea of Marmora, with the base, which was previously wanting, of the fortresses of the Danube—a point which appears to me the most important of all in the armistice, and which has not been contested. Beyond the Russian lines, beginning at the north, is a quadrilateral section, which includes Varna and Schumla, and on the coast of the Black Sea begins at Baltschick on the north, finishes near the bay of Burgas on the south, and extends into the interior of the country nearly to Rasgrad—an almost quadrilateral space, as I have said. There are likewise not comprised within Russian occupation, Constantinople and the promontory of Gallipoli, two points to the non-occupation of which great importance is attached by other interested powers.

This armistice has been preceded by certain preliminaries of peace, which, at the risk of repeating what you already know, I recapitulate *obiter*, in order to connect with them the question as to whether any German interests may be involved in these preliminaries.

The first point is to constitute Bulgaria "*dans des limites déterminées par la majorité de la population bulgare, et que ne sauraient être moindres que celles indiquées dans la conférence de Constantinople.*"

The difference between these two limits is not, to my mind, sufficient to cause the peace of Europe to be disturbed with any reason. The ethnological data which we possess on this subject are not authentic, and contain blanks, but the best idea to my mind is that conveyed by the German Kiepert maps. According to these maps, the national frontier, the limit of Bulgarian nationality, extends, almost without mixture of race, to the west a little beyond Salonica, and to the east, with an increasing mixture of Turkish blood, as far as the Black Sea; while the limits proposed by the conference, as far as the discussions on this subject can be understood, on the eastern side, by the shores of the sea, are placed a little to the north of the national frontiers, while they include two different Bulgarian provinces, and on the west they extend a little further, perhaps, than the Bulgarian nationality in the districts where there is an admixture in the population of Albanian races. The constitution of Bulgaria, according to the preliminaries, would be about the same as that of Servia before the evacuation of Belgrade and other fortified points, for the first paragraph of these preliminaries ends thus:

"*L'armée Ottomane n'y séjournerait plus (sauf quelques points à déterminer d'un commun accord).*"

This, then, will be a subject of negotiation between the powers which made the treaty of Paris in 1865; they would have to decide this clause, which thus remains open and vague, and to agree with Russia on this point, as I trust will be possible.

Next comes the independence of Montenegro, as well as that of Roumania and Servia; likewise, the dispositions relative to Bosnia and Herzegovina, for similar reforms.

All these things, in my opinion, do not touch German interests in such a way that we can on their account endanger our relations with our adjoining neighbors and friends. We can accept either one of these arrangements without any loss to our interests.

There then follows, in paragraph 5, a stipulation as to the costs of the war, which leaves it open whether the indemnity shall be paid in money or territory. That is a thing which in the former case would concern the belligerents, whereas, if in territory, it would concern the powers who signed the treaty of Paris, and should be decided with their sanction.

Next comes the question of the Dardanelles, in regard to which, in my opinion, much more anxiety is manifested in the world than is justified by real possibility and the existing complication warrants. It states in this paragraph, in a very general manner, "*Sa Majesté le Sultan conviendrait de s'entendre avec Sa Majesté l'Empereur de Russie pour sauvegarder les droits et les intérêts de la Russie dans les détroits du Bosphore et des Dardanelles.*"

The question of the Dardanelles is of very great importance, if there is any question of the control of the Straits, the key of the Bosphorus and the Dardanelles, changing hands—if it is to be decided whether Russia is to have the power to open or shut the Straits of the Dardanelles at her pleasure. All the other stipulations would only apply in time of peace; but in case of war, the gravest case, the important point would be, whether the holder of the Straits was an ally or of subject to those who lived on both sides of this Strait—of Russia, or of the enemies of Russia.\*

In case of war, this stipulation of the treaty, if it were made, has not, in my opinion—provided that the Dardanelles remain in hands which in time of peace are independent of Russia—the importance which is attached to it. It might have an interest for coun-

\* This last sentence is translated by the London Times, "whether the holder of the key of the Dardanelles is an opponent of England or of Russia."

tries bordering on the Mediterranean if the Russian fleet had the right in time of peace to pass the Dardanelles and show itself in the Mediterranean; but if she did so show herself, I should conclude from it, as the barometer indicates approaching fine weather, I should conclude, I say, that there was peace; whereas if she retired and prudently shut herself up in the Black Sea, then one might suspect that there were clouds in the horizon. I do not, however, think it unimportant to decide if in time of peace vessels of war can pass the Dardanelles; but I do not think it sufficiently grave to set all Europe on fire on account of it.

As regards the possession of the Dardanelles passing into other hands, it is certainly quite another question, but an eventuality and a conjecture which do not concern us in the present situation, and in regard to which, consequently, I do not wish to pronounce an opinion. It is my purpose at present only to determine as near as I can what preponderance of interests would cause a fresh war after the Turco-Russian war is practically over, and I must, therefore, definitely establish the fact that the stipulations of peace in the question of the Dardanelles as regards vessels of war could not have the same importance as those in regard to merchantmen.

In the first place, the principal German interest in the East consists in the certainty that the water-ways of seas and rivers, of the straits, as well as of the mouths of the Danube at the head of the Black Sea, shall remain as free as they have hitherto been. [Applause.] This point we are very sure of obtaining; in fact, it has not been brought into question. In an official communication which came to me from St. Petersburg, on this point, reference is simply made to the existing terms of the treaty of Paris. It, therefore, does not enter into the question; and in this respect we are neither better nor worse off than we always have been.

The interest which we have in the better government of the Christian population, in their protection against violences such as they have at times been subjected to under the Turkish Government, is guaranteed by the paragraphs [of the treaty] I have mentioned, and is the second interest—less direct, doubtless, but inspired by a feeling of humanity—which Germany has in the Eastern question.

The rest of the stipulations in the preliminaries consist of—I will not say *phrases*, for it is an official document—but have no interest for us in the present discussion.

With these explanations, I have, as well as I can, answered the first part of the interpellation on the state of things in the East, and I fear that I have told you nothing new.

The other part of the question relates to the position that Germany, in the present circumstances, will adopt or has adopted as regards present changes.

As regards the position we have taken, I cannot, for the moment, make you any communication, for it is only a very short time, I may even say only since this very morning, that we are in possession of the official documents to which I alluded. [Hear, hear.]

What we knew before agreed essentially with the text we have now, but was not of such a nature that we could act upon it officially, it being in the form of private communications, for which we were indebted to the politeness of other governments. [Hear, hear.]

Thus no official steps have yet been taken by us, and in view of the, as I hope, approaching conference, they would have been premature before these communications, as materials for the conference, had been received and opinions exchanged as to their meaning. Whatever change there is in the stipulations of 1856 must no doubt be sanctioned, or, failing that, there would follow, not necessarily a new war, but a condition of things which I think all the European powers would have reason to deprecate—I might almost call it a *swamping* of the question. Suppose that at the conference no understanding could be arrived at regarding existing facts; suppose that the powers which have the greatest interest in opposing Russian claims said: "It does not suit us at present to go to war about this, but we do not accept what you have done and we withhold our decision"; that certainly is a state of things which is not desirable, even for Russia. Russia says, with reason, "We have no desire to expose ourselves every ten or twenty years to a campaign against Turkey, which would be very deadly, very painful, and very costly"; but, on the other hand, she does not desire any more to substitute for this danger that of an Austrian-English dispute every ten or twenty years. Thus I think that it is as much the interest of Russia as of all the other powers not to postpone the settlement of this matter to another and, perhaps, less favorable time.

That Russia is disposed to force by war from other powers the acceptance of the changes which she considers necessary, I consider an idea totally devoid of probability. Russia would probably, if she could not obtain the consent of the other signers of the Treaty of 1856, console herself now with the thought "*Beati possidentes*." But then, gentlemen, arises the other question, of knowing whether those powers may be dissatisfied with the Russian arrangements, and who are interested especially in the Eastern question, are ready to make war in order to compel Russia to modify her conditions and to abandon a part of them, at the risk of leaving in Russia, after the

return of the troops, a feeling similar to that which Prussia felt after the conclusion of peace in 1815; that is to say, a conviction that the business is really not finished, and that there was an intention to attempt again to force Russia into more concessions than were possible for her.

If it was to be done by force of arms, then the object which is to be gained by a war would be to drive the Russians from the positions they occupy now in Bulgaria, though they have as yet shown no intention of occupying Constantinople. But on those who had accomplished this end by war would fall the task and the responsibility of deciding what should be done with these provinces of Turkey in Europe. If they were prepared to simply and fully restore the Turkish authority in its ancient limits, after all that was said and decided at the Constantinople conference, I should not think such a restoration was possible. If, then, any measures were adopted of this kind, they could not very much differ in principle from what is now proposed. Perhaps they might be mitigated as regards the size and extension and degree of dependence (of the provinces), but I do not believe, for instance, that the nearest adjoining power, Austria-Hungary, would be ready to accept the inheritance in totality of the Russian conquests and to assume the future responsibility of these Slave countries, whether by their incorporation into Hungary or by vassalage; I do not think that this is an object which the Austrian policy would very much wish to attain, side by side with their own Slave subjects, to be now the responsible editor of the future condition of things in the Balkan peninsula, and that would be the result of victory. I do not state here all the eventualities, in which I do not believe, except to show how, in my mind, there is little probability of a European war; the likelihood that for the sake of a greater or less extension of a tributary province, unless, indeed, circumstances were too strong, a disastrous European war between two great neighboring and friendly powers could be resolved upon in cold blood. [Bravo.]

Their blood will be cooler when we meet at the conference. To prevent such eventualities, the idea of the conference was first proposed by the Austrian-Hungarian Government, and we are about the first, I believe, who have gladly adopted the suggestion. Difficulties have arisen as to the choice of a place for a conference, which I think are out of proportion to the importance of the question. Still we have not raised any objections on this point, and have declared that we accept the localities proposed, whether Vienna, Brussels, Baden-Baden, Wiesbaden, Wildbad [laughter], a city in Switzerland. I must add, however, that Wildbad was only proposed by itself [laughter], and also Stuttgart. All these places would be agreeable to us.

It appears—if I am well informed, and it will be decided in a few days—that the final choice will be Baden-Baden. Our interest, which is shared by all the powers with whom we have corresponded on this subject, is that the meeting of the conference should be settled independently of the choice of a place, and it is comparatively indifferent to us where the conference meets. I have, as regards the German localities, only remarked that on German territory it should have a German president [bravo], an opinion which is not opposed in any quarter. This principle once admitted, it remains to be seen whether, if from motives of convenience, it will be necessary absolutely to adhere to it. This question will be decided according to the personal standing of the members of the conference, which I consider the meeting of as certain to take place during the first half of the month of March. [Applause.]

It would be desirable if this could be sooner, in order to be an end to the uncertainty which is hanging over us; but the powers, before meeting, desire an interchange of opinions, and the communications with the seat of war are really very slow. The delay of the communications which have reached us has been caused by the delay of the news from the seat of war. The report, therefore, which has been circulated for some time by the public press that this delay was intentional is thus disproved, if one clearly understands that the advance of the Russian army since the 20th January was the result of the armistice, and not an attempt to profit by the *tempo utile* accidentally gained.

The limits of the present position of the Russian troops are the lines of demarkation stipulated for in the armistice, and I believe there is no intentional delay on either side, but that there is on both sides a sincere wish to have a conference soon. At all events, we shall do all we can toward it.

I come now to the most difficult part—I pray you to excuse me if I sit down again—of my allotted task, that is, of explaining as far as is possible the position which Germany will take at the conference. You will not expect from me here more than a general view of our policy, the programme of which M. de Beumésen has traced so clearly and fully; more so, indeed, than my strength will now permit me to do.

If from many sides a demand had come to us—but this demand has not come to us from any government, but only from the press and other well-meaning counselors—that we should radically decide on our policy, and in some form or other impose it on others, I should say that I consider this as rather a policy of the press than of the State. [Laughter.]

I wish at once here to further explain the difficulty and impossibility of such a

course. Suppose that now we were to announce only a fixed programme, to which we were to adhere; if we were to publish it here in an official place not only to you but to Europe, we should give to all those who considered this programme favorable to them a sort of premium to be intractable. [Very free laughter.]

Further, it would render impossible for us at the conference the *role* of mediator, to which I attach the highest importance, because such one, having in his hand the *menu* of the German policy, could say to us: "German mediation can go so far; it can do this and no more." The freedom of action which Germany has reserved to herself, the uncertainty concerning the decision of Germany cannot but have had some influence on the maintenance of peace till now. Play out the German card, throw it on the table, and every one knows what to plan and what to avoid. To do this would not be practical if one wished to mediate for peace. I do not look upon the mediation for peace as if we were assuming the *role* of empire between conflicting views and were to say: "So must it be, and behind it stands the power of the German Empire." [Very good.] But I consider myself more modest—not to make invidious comparisons, to give you an example from common life—in the *role* of an honest broker, who desires to bring the affair to a favorable end. [Laughter.]

We are thus in a situation to spare any power which has its private views the mortification of receiving from its adversary—I will say—in the congress a refusal or a disagreeable answer. If we are equally friends with both we can first sound one, and then say to the other, "Don't do this; try to propose this or that." These are practical business methods, which are very laudable. I have a long experience in these matters, and I have often seen, when there are only two parties, that the thread often falls, and through a false shame it is not recovered. The moment when one could pick up the thread again passes, and the parties separate in silence and out of temper. But if there is a third person, he can without ceremony pick up the thread again, and bring the others together again even if separated. Such is the *role* of mediator, as I understand it, and as it corresponds with the friendly relations which we have in the first place with our immediate neighbors whose territory joins ours for a long distance, and as it conforms with the union which exists between the three imperial powers for the last lustrum. But this position of friendship is likewise that in which we find ourselves towards another of the interested parties, namely, England.

We are with England in the happy position of not having between us any conflicting interests, except some commercial rivalries and passing disagreements, which, however, are not serious enough to lead two industrious nations at peace to go to war, and I flatter myself that, in case of need, we could be the confidential intermediary between England and Russia, which I am sure we could be between Russia and Austria if they could not agree together. [Bravo.]

The relations between the three Emperors—if one may so call them, instead of the common phrase *alliance*—do not rest on any written agreement, and no one Emperor is forced to admit the law of the majority of the other two. It rests with the personal sympathy of the three monarchs, on the personal confidence mutually inspired between them, and on the reciprocal relations of the ministers of the three empires, which rest on personal intercourse of long standing. [Bravo.]

We have always avoided, when there was a difference of opinion between Austria and Russia, forming a majority of two against one by positively taking the part of either, even when our own wishes leaned rather more to one side than the other. We have abstained from this, because we feared that the bond was not yet strong enough, and certainly it could not be sufficiently so to permit one of these great powers, out of regard to the other, to overlook its own undisputed interests, political and national. That is a sacrifice that no great power would make for the *beaux yeux* of the others. It would do it only when force is employed instead of arguments. Then it can, according to circumstances, say, "It is very disagreeable to me to make this concession, but it is still more disagreeable to me to have a quarrel about it with so great a power as Germany; but I shall remember it and take it into account." It is in this manner that such incidents occur, and I must now strongly repudiate the pressing insinuations which are now thrown out respecting the mediation of Germany, and to declare that as long as I have the honor of advising His Majesty there will be no question of anything of the kind.

I know that in this respect I disappoint many of the expectations which were formed of to-day's communications, but I am not of the opinion that we must follow the Napoleonic system [very good] and be, I will not say the arbiter, but the schoolmaster of Europe. [Applause.]

I read, for instance, in one of to-day's papers, "The policy of Germany in the decisive hour." It is the title of a remarkable article in the Augsburg Gazette, which demands as a necessity the mixture of the third power in the league between Russia and Austria. Thus we should have to take a position between England and Austria, to deprive Russia of the merit of making spontaneous concessions to which she may agree in the interests of a European peace. I do not doubt that Russia will sacrifice to the

peace of Europe what, according to her national sentiments and in her own proper interests, the interests of eighty millions of Russians, it is possible for her to sacrifice.

It is superfluous for me to say, but if we do as these gentlemen tell us, who have such a way of looking at things—and I have here yet another article of the same kind headed "The role of Germany as arbiter," taken from a Berlin paper—if we follow their counsels and in a public and friendly manner declare to Russia, "It is true that for a hundred years we have been friends; Russia has been faithful to us; has preserved a constant friendship for us when we were in critical situations, but now it so happens that in the interests of Europe, as a policeman of Europe, as a sort of magistrate, we cannot any longer resist the wishes and the demands of Europe."

There are in Russia influential parties who do not love Germany and who happily are not in power, but who would not be unhappy if they were. [Laughter.] How would they, and others also, and even other statesmen who at this moment are not our declared enemies, address their countrymen? They would say, "With what sacrifice of blood and lives and treasure have we gained this situation which for centuries has been the goal of Russian ambition. We might have held it against all those enemies who had a genuine interest in disputing it with us. It is not Austria, with whom we have long lived in moderately intimate relations; it is not England, who has opposite and very openly declared interests to ours; no, it is our intimate friend, the friend from whom we had a right to expect a return for past favors; it is Germany, who has absolutely no Eastern interests, that has just wounded us in the back, not with the sword, but with the dagger."

Such would be the expressions we should hear, such the theme addressed to us, and this picture which I have drawn in exaggerated colors—but Russian oratory does exaggerate—corresponds to the reality, and we will never assume this responsibility of sacrificing a firm friendship, proved for generations, the friendship of a great neighboring power, for the sake of playing the part of a judge in Europe. [Applause.]

The friendship which happily unites us to most of the European states—I may even say to all at this moment, for the parties to whom this friendship is a thorn in the side are not now in power—to imperil this friendship, I say, with one friend in order to be agreeable to another in questions where we as Germans have no direct interest; to purchase at the price of our own peace the peace of others; to interfere for a friend as a sort of second in a duel (*auf der Messur*)—this I might do when I was risking only my own person, but I could not do it when, under responsibility to His Majesty the Emperor, I had to consult the interests of forty millions of people situated in the middle of Europe; and it is on that account that I reply from this tribune to all such voices and all such demands with a positive and formal refusal, and declare that under no circumstances will I lend myself to such an act, and that moreover, no government, not even those the most interested, has addressed such a request to us.

Germany, as the gentleman who preceded me remarked, with her growth of power has incurred new duties. But if we are able to throw into the scale of European politics a great number of bayonets, I do not think that any one has on this account the more right to advise the nation, the Emperor, and the princes who have a voice in the council in case of war, to appeal to the proved devotion of the nation, and to demand of it the sacrifice of its blood and its property in a war which has any other object than the defense of our independence abroad, and our unity at home, and for the protection of those interests which are so plain that when we take up arms to defend them we are sustained, not only by the necessary unanimity of the federal council, but by the full conviction and the eager enthusiasm of the German nation, and such a war only am I ready to recommend to the Emperor.

Again, in reply to a speech by Deputy Windshorst, after again denying that the interpellation was brought forward with his knowledge and approval, Prince Bismarck said:

According to the speaker, Germany had the authority—let us say power—to prevent the present war. But that would have been a great folly—not to use a stronger and more popular expression—if we had really done so. Doubtless in modern history there are examples of several attempts of this kind. But other powers who have been prevented in this manner from fighting have never been grateful to the one who had thus ordered them to keep the peace. I will mention here a fact drawn from our own history at the time of the negotiations at Olmutz. At this juncture the Emperor Nicholas played the part that the speaker desires Germany to assume now; the Emperor of Russia stepped in and said, "I fire on the one who fires first," and peace was preserved. To whose advantage, to whose injury, rather, politically speaking, it is for history to say, and I do not wish to discuss it here. I only ask, if this act of the Emperor Nicholas gained for him the thanks of either adversary? Of Prussia, certainly not. The noble ideas of this ruler were unappreciated by the national sentiment of a great nation, which is told by another power what it must not do in matters of its own interest, which it believes it understands. But perhaps Austria was grateful to the

Emperor Nicholas? Three years later occurred the Crimean war, and I need not further expatiate upon that.

I will give another example: The situation in which we find ourselves to-day is almost identical with that which occurred a little more than twenty years ago. I was not then minister, but on account of the confidence with which the late King, Frederick William IV, honored me, I found myself in a situation to take part in important and decisive affairs, and I know exactly how events happened. I know what artifices of persuasion and menace were employed toward Germany to draw us into a foreign war (the Crimean war). It was only the personal resistance of the late King, to whom we cannot be too grateful, that prevented us from committing this fault of going into a war, which from the moment that we had fired the first shot would have been ours, and all those behind us would have felt happy and would have told us when we had fought enough. The late King called upon me then in those critical days, at Frankfort, to draw up dispatches in that sense, and it is not at all astonishing after what occurred at that time in our foreign affairs that there were here in their hotels a half-dozen ambassadors (Prussians), and that they had a policy in opposition to their own ministers. Well, then, ought we not to be grateful that at that time we resisted the temptation to prevent Russia from going to war, or to render it more difficult for her? At this time, also, it was the "interest of Germany," they said, that the war in the Crimea should take place; it was in behalf of that interest that they demanded our assistance; only, a surprising fact, the united Germanic Confederation did not share in this idea that German interests were involved. I think that this was the only time when at Frankfort in the federal Diet I found myself at the head of a majority, while Austria was in the minority.

I can also cite an example from more recent history, to add to the number of instances where powers have burnt their fingers, so to speak, by intervening. Among others I remember the intervention only proposed by us before Villafranca. It was a pacific act for which no one has since thanked us. I will mention also the pacification undertaken by Napoleon III, immediately after the battle of Sadowa—matters were not then made public—but what I thought then I well know I have never forgotten as regards the Emperor Napoleon, I have carefully made note of his intervention, and perhaps it would have been better for French interest if France had not taken upon herself the part of a pacificator.

The speaker then remarks that the one who has possession of the Dardanelles has the dominion of the world. Does he mean that the Sultan has thus far ruled the world? It is now over four centuries that the Sultan possesses this key without opposition, and I have never felt in the slightest degree that we in Prussia had found ourselves under his dominion. Besides, I never said that this key was without importance. I only said that Russia, at this moment, did not desire to possess it, that she had not entered Constantinople out of regard to those powers who have an opposite interest, and the word of the Emperor Alexander is a guarantee that he will not keep Constantinople. Whether after that there will remain a Turkey over which Russia will exercise the greatest influence we do not yet know; we do not know whether the two nations will remember with satisfaction the blows they have exchanged; the recollection may last for some time, but some day a different feeling may grow up between the two countries.

The refutation which I consider the most necessary is that which the speaker has made in giving it to be understood that Germany eventually would be the accomplice of the pretended duplicity of Austria by Russia, as he says.

I do not know where the gentleman has discovered his motive of suspicion, but I can assure him that there is no necessity for him to defend the interests of Austria to us. Our relations with Austria are those of reciprocity, entire frankness, and mutual confidence, which is very curious, no doubt, especially after what passed in the times when other parties in Austria were more powerful than they are now. It is not only between monarch and monarch, between government and government—no; I am on personal terms with Count Andrassy—to my delight and my honor—such that he is at liberty of openly putting any question to me that he thinks necessary in the interests of Austria, and he knows that I will answer him truthfully, just as I am convinced that he will tell me the truth as to the intentions of Austria. [Applause.]

Such relations are very useful when one has to deal with a minister whom it is possible to believe on his statement. We thus find ourselves in an agreeable position with Austria. In certain former times, if the gentleman pleases, it was otherwise. I had then in front of me at the Diet of Frankfort Austrian colleagues to whom I said, "It is a matter of indifference to me what you say, as much as the wind blowing down the chimney, as I do not believe a word you say." [Laughter.] Count Andrassy believes me, and I believe him, and we have no need whatever of the assistance of the gentleman who has spoken. He can only make mischief. [Laughter.]



No. 139.

*Mr. Everett to Mr. Evarts.*

No. 42.]

LEGATION OF THE UNITED STATES,  
*Berlin, March 4, 1878. (Received March 21.)*

SIR: Since the discussion on the Eastern question in the Reichstag was dropped, that assembly has occupied itself with the two questions of the reorganization of the chancellor's department, and of the best means of arranging the taxes to meet the increasing necessities of the Imperial Government arising from increased expenditure and a diminution in the receipts for the past year.

The first of these questions came up by a "*projet de loi*" presented to the federal council by Prince Bismarck, to the effect that the duties which had been assigned by the constitution to the chancellor of the empire might be intrusted to one or more substitutes, chosen by the Emperor from the members of the federal council, either as regards all his duties or certain specified branches.

This is rendered necessary from the fact that the countersignature of all laws and decrees, as well as the responsibility of the execution of them, falls on the chancellor, and to him likewise are attributed the direction and selection of all the high appointments in the imperial chancery, the marine, the railroads, the posts, and the telegraphs, and there is no provision for any substitute for his signature, though practically such substitution has been employed and tacitly acquiesced in during the last year's leave of absence of the chancellor. The banking law alone has granted the power of a substitute for countersigning, which is used as an excuse that the law proposed is no innovation. The bill was unanimously adopted by the federal council, on the 21st, as far as regarded appointing German ministers to preside over the departments of foreign affairs, finance, navy, posts, and telegraphs, and Alsace-Lorraine; but justice, the railways, the army, and the public health are excepted. It is supposed that the Prussian ministers of the former departments will be allowed by the Emperor to assume the charge of these new powers which place them under the authority of the chancellor, from which they were formerly free.

This is not acceptable to some of the ministers, who have always been more or less opposed to the centralization ideas of Prince Bismarck. Especially is this the case as regards the Prussian minister of finance, Mr. Camphausen, as appeared in a debate on the 22d February, over the tobacco-tax bill. After a speech by Mr. Camphausen explaining the financial difficulties which the tax was intended to mitigate, the opposition of the assembly to the project was so great that the minister was obliged to state that he should stand or fall with it.

This produced a speech from Prince Bismarck disclaiming the plan as his own, but accepting it as a stepping stone to a tobacco monopoly, which was the plan he personally desired.

It is generally understood that Minister Camphausen has sent in his resignation, but that both the Emperor and Prince Bismarck are very unwilling to accept it. Mr. Camphausen, however, in addition to his tenacity on the tobacco tax, which perhaps might be arranged, objects, it is understood, to being transformed from a Prussian minister to a German one, and makes the tax the excuse for resigning. It is reported that other ministers have followed Mr. Camphausen's example, but of this there is no confirmation.

Another bill for the new bureau of the chancellor, which figures as a

serious item on the budget, came up for debate on the 26th February, and after some debate and an explanation in defense of it by Prince Bismarck was voted by a large majority.

The remaining items of the budget will be debated during the current week.

A summary of the budget is inclosed.

I have, &c.,

H. SIDNEY EVERETT.

[Inclosure in No. 42.—Translation.]

*German imperial budget for 1878-79.*

ORDINARY EXPENDITURE.		
	Marks.	Marks.*
Imperial chancellor .....	104,980	+ 49,980
Office of the chancellor .....	4,221,103	+ 80,792
Minister .....	310,700	.....
Office of foreign affairs .....	6,104,657	+ 199,400
Army .....	327,815,954	+ 4,262,556
Navy .....	25,222,520	+ 3,550,447
Justice .....	800,182	+ 7,965
Railroads .....	272,750	.....
Alsace-Lorraine .....	171,780	.....
Rest of the empire .....	7,201,500	+ 3,301,400
Court of claims (comptes) .....	452,910	+ 49,044
Pensions .....	17,853,205	- 210,305
Invalid fund .....	32,053,157	- 1,515,954
	422,600,138	+ 9,716,325
EXTRAORDINARY.		
	Marks.	Marks.*
Chancellor .....	3,000	+ 3,000
Office of the chancellor .....	2,617,380	+ 880,646
Minister .....	30,000	.....
Foreign affairs .....	300,000	- 734,050
Posts and telegraphs .....	12,036,001	+ 282,612
Army .....	29,565,855	- 22,249,569
Navy .....	36,368,065	+ 7,791,665
Cour des comptes .....	10,000	.....
Railroads .....	10,122,340	+ 6,331,109
Mint .....	22,700,000	+ 14,900,000
Expenses incident to French war .....	9,995,325	+ 11,805,297
	123,728,515	.....
RECEIPTS.		
	Marks.	Marks.*
Customs and octroi .....	245,458,300	- 7,595,150
Stamp tax .....	6,053,100	- 280,900
Posts and telegraphs .....	14,015,954	+ 2,309,322
Railroads .....	11,350,000	- 1,406,000
Printing .....	170,300	.....
Imperial bank .....	1,510,000	- 40,000
Various receipts .....	7,495,522	- 2,609,636
Invalid fund .....	32,053,157	- 1,515,954
Excess of previous years .....	34,063	- 11,483,932
Mint .....	100,000	- 10,100,100
Interest on funds invested .....	7,324,208	- 457,270
Additional (extraordinary) .....	110,591,350	+ 7,443,394
Contributions (matricularies) .....	109,568,365	+ 28,459,847
Total .....	546,323,951	.....

\* The figures in this column show + and - as compared with the budget for 1877-78.

Of the item of additional extraordinary receipts the sum of 81,919,455 marks must be furnished by a loan.

No. 140.

*Mr. Everett to Mr. Evarts.*

No. 45.]

LEGATION OF THE UNITED STATES,  
*Berlin, March 11, 1878. (Received March 25.)*

SIR: During the past week the political situation here has been essentially unchanged. The budget debates in the Reichstag still continue, principally on the question of Prince Bismarck's bill for substitutes for the chancellor in the duties of the office, with a right of veto for himself.

The bill as yet has not assumed its final shape, and the prince will hardly succeed in carrying it through as he wishes without amendments. The first two clauses of the bill, the whole of which I hope to be able to send you by an early mail, have been agreed to, but the part which merges the ministers of the different States into the general imperial cabinet will be combated vigorously. There are some intimations of a dissolution of the Reichstag in case this is carried too far, but though the result of such a measure would probably be the return of a liberal majority favorable to Prince Bismarck, it would be fatal to him to have a conservative and ultramontane majority, and it is difficult in the present state of things to prophesy with certainty as to the electoral result.

The latest news is that there will be an international congress at Berlin, which would probably be for the interests of Austria, without being hostile to Russia, but England, while not objecting to this place, throws so many obstacles in the way by conditions regarding the questions to be discussed, the preservation of the extinct treaty of 1856, and the representation of the great powers, that some persons think it very doubtful if there is any congress at all. This, however, you will know by telegraph long before this reaches you. It is likewise more than doubtful if Prince Bismarck's health, which is really not of the best, would permit of his presiding for any length of time at such a meeting, his physicians having ordered him perfect rest.

I may add here that the appointment of Mr. Bayard Taylor as minister to Berlin has given the greatest satisfaction in official and diplomatic circles here, and is accepted as proof of the good will and good judgment of the administration.

The President's veto of the silver bill is also favorably commented on, and has somewhat allayed the alarm in regard to the effect of that measure.

I have, &amp;c.,

H. SIDNEY EVERETT.

No. 141.

*Mr. Everett to Mr. Evarts.*

No. 47.]

LEGATION OF THE UNITED STATES,  
*Berlin, March 18, 1878. (Received April 5.)*

SIR: Referring to my No. 45, of the 11th of March, I have the honor to inclose an official copy of the substitute bill, with translation. This bill, after much debate and several long speeches by Prince Bismarck, was finally passed as it reads on the 11th of March, by 171 to 101 votes.

It is not yet known what the practical effect of it will be as regards the present Prussian ministry.

I also beg leave to inclose a report sent in to the Reichstag on the question of emigration during the year 1877. A very lengthy plan of a bill on this subject is now before the Reichstag, which I will forward in its final shape if it becomes law.

I have, &c.,

H. SIDNEY EVERETT.

[Inclosure 1 in No. 47.—Translation.]

*Draught of a law concerning the representation of the imperial chancellor.*

We, William, by the grace of God Emperor of Germany, King of Prussia, &c., enact, in the name of the empire, the assent of the federal council and of the imperial Parliament having been first had, as follows:

§ 1. The countersigning by the imperial chancellor necessary to the validity of the ordinances and decrees of the Emperor, as well as all other duties imposed on him by the constitution and the laws of the empire, may, in accordance with the following provisions, be performed by representatives appointed by the Emperor upon motion of the imperial chancellor in cases where his performance of them is prevented.

§ 2. A representative in general may be appointed for the entire domain of the business and duties of the imperial chancellor. Also for those individual branches of office which are subject to the proper and immediate administration of the empire, the chiefs of the highest imperial administrative bureaux subordinate to the imperial chancellor may be invested with authority to represent him in the entirety or in particular parts of his business domain.

§ 3. The right is reserved to the imperial chancellor also during the continuance of a representation to exercise every official function himself.

§ 4. The provisions of article 15 of the imperial constitution are not affected by this law.

[Inclosure 2 in No. 47.—Translation.]

*Report upon the work of the imperial commissioner for the superintendence of emigration for the year 1877, submitted to the German Parliament.*

The imperial commissioner invested with the function of superintending matters connected with emigration has, during the period which has elapsed since his last report, exercised the duties of his office in like manner as in former years. He has compelled entire compliance with the existing regulations touching the interests of emigrants on the part of the revision authorities of the country, of emigration agents, and of all other persons engaged in forwarding emigrants, and has guarded the interests of emigrants to the best of his ability.

The lodging-houses in which the emigrants are cared for at the different sea-ports while awaiting the departure of vessels have at various times been inspected with reference to their spaciousness, arrangement, and cleanliness, as well as to the proper observation of the schedule of prices agreed upon.

The reception at the railway-stations in sea-ports of arriving emigrants as well as their embarkation and the provision made for them on board ship have been watched over whenever possible.

The vessels used for forwarding emigrants have almost all been personally inspected by the imperial commissioner associated with the appointed inspecting committees of the country, and only the steamers sailing from Hamburg excepted, while the commissioner inspected all vessels departing from and arriving at Bremerhaven. Emigrant sailing-vessels were without exception personally inspected by the commissioner. No ships were inspected at Stettin, as during the period in question passengers were forwarded on such ships in but few instances, and for the reason that pursuant to a communication from the royal police-direction at Stettin, vessels, having on board fewer than 12 passengers were no longer to be subject to revision; that is, were not to be considered emigrant vessels. From information furnished the commission from Stettin, but 38 emigrants in all were forwarded thence on 15 vessels. At the inspections which took place the sea-worthiness of the vessels with all their appurtenances, as well as their adaptability for the reception and conveyance of passengers, was ascertained, and to this end the construction of suitable arrangements for the proper

ventilation and lighting of the quarters allotted to passengers have been directed and their execution compelled.

This was done with particular care on sailing-vessels where the accommodations constructed for passengers were not of a permanent nature, and strict attention paid that separate spaces, that were measured at every inspection and found on the whole to be sufficiently roomy, were not filled with a larger number of passengers than the regulations allowed, as was in former times in some instances the case.

The supplies of provisions were examined with reference to quantity and quality, the number of the various receptacles for provisions being determined, and a number of such receptacles for each kind of provisions selected at random, and subjected to an exact examination as regards quality and weight. If any provisions deficient in excellence were found on board, the entire number of receptacles for the particular kind of provision were examined. Provisions not found to be good were required to be removed at once from the vessel and replaced. An attempt to introduce on board a neighboring vessel provisions that had been rejected upon an inspection was discovered, and information of the fact furnished the authorities.

German vessels containing emigrants met with no accidents at sea during the past year.

Quite a large emigration took place during the past year from Russia (government of Orenburg) to Brazil. So-called German-Russians, settled in this government, had sent a deputation to Brazil to look into the circumstances and examine lands with reference to their suitability for settlement. This deputation had returned with very favorable reports, which induced a number of their countrymen to emigrate; the intelligence spread by the deputation, and which had no foundation in fact, that the passage to Brazil would be free and that the Brazilian Government would, upon their arrival, provide fully for their necessities, contributed greatly to the movement.

As the Brazilian Government officially denied these representations, the imperial commissioner at once reported the state of affairs to the proper authorities, and, in consequence, measures were adopted to prevent Russian emigrants provided with insufficient means crossing the German-Russian frontier and thus becoming a burden to the German public. Several parties of such Russian emigrants, who had nevertheless succeeded in crossing the frontier and in reaching Hamburg or Bremen without being in possession of sufficient money to pay their passage to Brazil, had enough for the passage to North America, and went there instead; the rest were compelled to remain behind, and, for the time being, were housed and cared for at the expense of the state or conveyed back to Russia. Thus 35 of these emigrants remained at Hamburg from July 28 to November 15, and, assisted by the Catholic committee, were maintained at the expense of the state. Quite a good offer to procure for them work and a support in Mecklenburg was rejected by them, with the statement that they were willing to live in a Catholic country only. On the 15th of November these 35 people were (a number of persons without means having already been returned to and received in Russia in the mean while) at their request, taken to Berlin by a Hamburg official, and thence sent back to Russia.

Among the Russian emigrants recently arrived at Hamburg the measles broke out, and in order to prevent the spread of the disease, the further conveyance of those attacked by the disease, their families, and of all those who had lodged in the same houses, had to be desisted from for the time being. These persons (several hundred in number) are still in Hamburg, awaiting the recovery of those attacked in order to take passage in the next vessel in the event of no new cases of the disease making their appearance.

Emigration to the Cape of Good Hope, which began in 1876 with 75 emigrants, has largely increased in the course of the past year. Persons going there—mostly Germans and Danes, and who must be cultivators of the soil—receive from the colonial government free passage, and each grown person, according to his desire, twenty acres of land suitable for cultivation at the price of 10 shillings per acre, subject to the obligation of paying the purchase-money to the government within ten years. The emigrant assumes no further obligations, but is, immediately upon his arrival at the Cape, master of his own actions.

As complaints had reached here from emigrants that upon their arrival at the Cape they were not sufficiently cared for, that no lodgings were provided for them, and that the land assigned them was covered with bush, &c., care has been taken that before the departure of the vessel the entire body of emigrants are once more, in the presence of an official of the emigration bureau, made acquainted with the exact conditions of the Government of Cape Colony, in order that no one may be in doubt as to what awaits him there, and they are required to sign a memoranda of such fact. For the rest, according to intelligence received, the position of emigrants to the Cape seems in general to be a not unfavorable one.

An official communication was received by the imperial commissioner to the effect that agents of the North-German Lloyd had applied to the Government of the Kingdom of Württemberg for permission to sell American railway tickets to emigrants. As

the emigration regulations prohibited the sale of all railway tickets of countries beyond the seas, the matter was brought up for discussion before the Bremen emigration bureau. The North-German Lloyd had, in order to effect its purpose, adopted the expedient of executing contracts with individual passengers for their conveyance to their final destination in the interior of America, their railway tickets not being furnished them until they surrendered their ship tickets upon arriving in America. The police tribunal at Bremen saw in this a proceeding in conflict with existing law, and condemned the North-German Lloyd to a small pecuniary fine.

In consequence of this occurrence the Bremen regulation for the conveyance of emigrants was, by legislation, so amended that the paragraph in question—which read, “The sale of tickets for the further conveyance from the place of landing beyond seas to the destination in the interior is forbidden to every one”—has received the addition: “This prohibition has no application to contracts which, by means of an instrument of writing, embrace the obligation to convey by sea as well as by land beyond seas.”

With proper supervision, the introduction of this measure, especially when exercised by responsible corporations, would not work detriment to the emigrants, but would rather afford them a small advantage. The imperial commissioner has received from the North-German Lloyd the assurance that in cases where an emigrant should determine during the passage either to remain at the port of landing or to join a party having another place of destination, the money already paid here for his conveyance by railway should not be lost to, but eventually returned, him.

A young man emigrating from the Kingdom of Prussia, via Hamburg and Liverpool, to New York, was, it is stated, while in a state of intoxication, swindled by two relatives, by means of a deed of gift, out of the small estate he left behind, the deed to take effect in case he should not return. These relatives had circulated in the former home of the emigrant, in order to obtain possession of his property, the report that he had died during the passage. Information as to the facts was sought by the mother of the emigrant in Liverpool and America, and it was ascertained that the emigrant had not died, but arrived safely in New York. Other serious complaints have not been received.

In conclusion, the following statement of the statistics of emigration for the year 1877 are furnished:

In all, there emigrated from the ports of Hamburg and Bremen to places beyond seas 41,759 persons (50,577 in 1876). Of this number, via Hamburg, 22,570 persons (last year, 28,733); via Bremen, 19,189 persons (last year, 21,642).

Of those emigrating via Hamburg, there were forwarded directly, in 80 steamers and 11 sailing-vessels, 18,573 persons; indirectly, via England, 3,570 persons; in 72 vessels not declared as emigrant-ships, 427 persons.

Among these persons there were adults, 17,289; children aged from 1 to 10 years, 4,063; children aged less than 1 year, 1,218.

Further, of the male gender, 13,840; of the female gender, 8,730. Total, 22,570.

Of those emigrating via Hamburg the destination was—

New York .....	12, 643
The West Indies .....	274
Brazil and the La Plata .....	2, 920
Cape of Good Hope .....	1, 295
Chili .....	36
Australia .....	1, 405
Indirectly, via England .....	3, 570
Various transatlantic ports .....	427
<b>Total .....</b>	<b>22, 570</b>

Among the 19,189 persons forwarded via Bremen, there were—

Adults .....	14, 933
Children, aged from 1 to 10 years .....	3, 160
Children aged less than 1 year .....	1, 093
<b>Total .....</b>	<b>19, 189</b>

Further:

Males .....	11, 162
Females .....	8, 027
<b>Total .....</b>	<b>19, 189</b>

Of these the destination was—

New York.....	13, 357
Baltimore.....	3, 180
New Orleans and Havana.....	658
Brazil.....	1, 013
The La Plata.....	781

Total..... 19, 189

All the emigrants via Bremen were forwarded in 101 steamers of the North German Lloyd.

As regards nationality of the 41,759 emigrants via of Hamburg and Bremen, 21,618 were foreigners, as follows:

	Via Hamburg.	Via Bremen.
From Russia.....	3, 253	1, 752
From Austria-Hungary.....	3, 588	3, 428
From Denmark, Sweden and Norway.....	1, 215	4
From other foreign countries.....	3, 789	4, 589
Total.....	11, 845	9, 773

Total foreigners..... 21, 618

While emigration in general from German ports has in the past year decreased by 8,818 persons as compared with the year 1876, emigration to the Cape and to Brazil and the La Plata states has increased by 2,936 persons, the increase being entirely due to the Russian tide of emigration to South America. This tide of emigration also induced the North-German Lloyd to depart from the habit of former years, and take up the conveyance of emigrants from Bremen to Brazil. The North-German Lloyd declares that this conveyance shall not embrace German emigrants.

As emigration in general, so has also indirect emigration via English ports, decreased. In the year 1872 the proportion of indirect emigration of the entire emigration via Hamburg was 26 per cent.; in the year 1873, 33.2 per cent.; in the year 1874, 29.2 per cent.; in the year 1875, 30.9 per cent.; in the year 1876, 24.6 per cent.; in the year 1877, on the other hand, only 16.7 per cent.

## No. 142.

*Mr. Everett to Mr. Evarts.*

No. 49.]

LEGATION OF THE UNITED STATES,  
*Berlin, March 25, 1878. (Received April 11.)*

SIR: The 22d March was the eighty-first birthday of the Emperor, and was observed as a general holiday in the usual way. During the day every house was surmounted by a flag, and in the evening the principal streets were illuminated. From 10 to 2, His Majesty received the royal family and members of his household; the generals; ministers of state; the heads of princely houses; the ambassadors, but not the ministers; the committees of the Reichstag and those of the Landtag. At 4 p. m., the whole imperial family met at dinner at the palace of the Crown Prince. The usual diplomatic dinner was given by Prince Bismarck in his new residence, to which I was honored by an invitation as chargé d'affaires. The usual toasts to the Emperor and the governments represented at the court were drunk without speeches.

Later in the evening there was a musical and dramatic entertainment in the White Hall of the Schloss, where the diplomatic corps below the rank of ambassador was placed in a good position for seeing and hearing, in marked contrast, it must be admitted, to the state of things mentioned in Mr. Davis' 620, as was remarked to me by a government official. The ambassadors, as usual, take precedence of all but the royal family, but I must say, as far as my experience during the past winter goes, every courtesy and advantage have been extended to the members of the diplomatic corps. This is rendered more difficult every

year by the steady increase in their numbers, the present season having added the large Chinese legation to their ranks.

The festivities at the Schloss were closed at midnight by a very handsome and lavish buffet supper.

The Emperor appeared to be in the most excellent health and spirits.

I have, &c.,

H. SIDNEY EVERETT.

No. 143.

*Mr. Everett to Mr. Evarts.*

No. 55.]

LEGATION OF THE UNITED STATES,  
*Berlin, April 8, 1878. (Received April 26.)*

SIR: Since my dispatch No. 47 the interest in the debates of the legislative bodies here has been transferred from the Reichstag to the Landtag.

The meetings of the two houses have been held simultaneously, a process very harassing to the ministers when interpellated, and severely commented on by Prince Bismarck during a debate on the budget, on the 27th March, in the following words:

I returned here with the conviction that the meetings of the Reichstag would not be interrupted by those of the Landtag, and that the same consideration which decided the Landtag to suspend its sittings after the opening of the Reichstag, at the risk of leaving important laws incomplete, would prevent their meeting again while the Reichstag was in session. If, as chancellor of the empire, I had been expressly consulted in regard to this, I should never have acquiesced in the idea. But I was not consulted, I know not why.

The two projects of transferring the care of the public lands and forests from the minister of finance to the minister of agriculture, and to take the care of the railroads from the minister of commerce and create a new ministry of railroads were then debated. The chancellor defended these projects with much ardor, by describing the excess of work put on the finance minister, the backward state of financial questions in Germany compared with other nations, and the relatively poor production of the forests.

He likewise gave examples to show how much need there was of reform in the management of the railways, even stating that he had been obliged to threaten to employ the military force of the empire to prevent the postal employés from being forced by the railway officials to leave the mail-wagons containing money and letters intrusted to their care while the trains were being made up. In spite of these arguments, however, the debate resulted in both of these government proposals being rejected.

The session of the Prussian Diet was closed on the 30th March, at a joint meeting of both houses, by a royal message read by a minister of justice. On the same day the resignation of the minister of commerce, Dr. Achenbach, appeared in the official paper.

The present German ambassador at Vienna, Count Stalberg, has been appointed to the new office of vice-chancellor of the empire, but as there is no occasion for his services as long as Prince Bismarck continues in Berlin, he is allowed for the present to remain in Vienna. The former chief burgomaster of Berlin, Herr Hobrecht, has been appointed finance minister, in place of Mr. Camphausen, resigned; Count Eulenburg,



hitherto governor of Hanover, succeeds his uncle, Count Eulenburg, as minister of the interior, and Mr. Mayback becomes minister of commerce, in the place of Dr. Achenback, who is appointed governor of West Prussia.

The latest event in connection with the Eastern question is the circular note of Lord Salisbury, to which the Russian reply is now being awaited. This paper, while it seems to give a clear statement at last of England's objections to the treaty of San Stefano, suggests no remedy but that of refusing to join in a congress. The German press receives it calmly as not expressing much that is new, the French press favorably, and the Austrian press enthusiastically. It is still thought that, in spite of England's continued warlike preparations, some way out of the present entanglement may be found. Germany has informed England that she will not go into the congress unless England herself does, and it is rumored that Germany has advised Russia to moderate some of her treaty demands.

Some color is given to this by expressions in the *Norddeutsche Allgemeine Zeitung*, and the *Post*, which are supposed to be semi-officially inspired organs. The former, though for some time past strongly Russian in its tendencies, now says:

Germany cannot for love of Russia remain indifferent, if Russia, by her pretensions, endangers the interests of other nations who are neighbors and friends of Germany; and Russia could accomplish the complete application of this treaty only at the cost of a new war, more extended and more serious than that which she has just finished with Turkey. This state of things might have been avoided if Russia, immediately after the capture of Plevna, had conferred with other powers interested as to the maximum of advantages she might obtain.

There is as yet no confirmation of a telegram from its Berlin correspondent to the *London Times* that, according to Vienna telegrams to the *Cologne Gazette*, England had informed Russia that, the treaty of San Stefano violating vital interests of Great Britain, the cabinet of St. James will occupy certain important points in the East unless a fair proposition for the effective modification of that treaty be immediately made by Russia. Such a measure is certainly, however, not impossible.

I have, &c.,

H. SIDNEY EVERETT.

No. 144.

*Mr. Seicard to Mr. Everett.*

No. 442.]

DEPARTMENT OF STATE,  
Washington, April 30, 1878.

SIR: A complaint has recently been submitted to this Department on behalf of Mr. Julius Baumer, a citizen of the United States, who has been put to many considerable inconveniences, and incurred also some pecuniary losses, in consequence of certain arbitrary proceedings instituted against him by the local authorities of the province of Westphalia.

The circumstances of the case as represented to the Department are these:

Mr. Baumer, who was a native subject of the King of Prussia, and a resident of Münster, in the province of Westphalia, in February, 1868, he being then twenty years old, obtained from the superior authorities

are  
ple,  
espe-  
es to

be to  
ing the  
head of

ch was  
instant,  
ial-dem-  
n all par-  
vored the  
The most  
husy-Hue,  
st of whom  
their own  
perate man-  
etermined in  
ay vote upon  
nays. The  
o exceptions,  
ounted for by  
ies.

not meet again  
e, only a few  
should order a  
elected.

any, the results  
on to speculate  
tion will not be  
the government  
I might even say,  
ls any increase of

ARD TAYLOR.

atic excesses.

with the concurrence of

us of the social democracy  
on must be publicly made,  
should not be in session, at  
hibition.

streets, and places of resort  
orities, when such printed  
ition ceases whenever such  
ecks by the imperial council

police authorities or broken  
ed if th  
the desi

You will take a proper occasion to bring the subject to the attention of the imperial minister for foreign affairs and request that proper inquiry may be instituted, and if the facts be found to be as represented, that measures may be taken to prevent a recurrence of like annoyances to citizens of the United States similarly situated, and you will add that it is expected that Mr. Baumer will be reimbursed for any expenses he may have been subjected to in consequence of these arbitrary proceedings of the Westphalian authorities.

I am, &c.,

F. W. SEWARD,  
*Acting Secretary.*

No. 145.

*Mr. Taylor to Mr. Evarts.*

No. 9.]

LEGATION OF THE UNITED STATES,  
*Berlin, May 25, 1878. (Received June 12.)*

SIR: The recent attempt to assassinate the Emperor of Germany has already led to results of wider range and of greater political importance than could have been anticipated. I have only waited for the solution of the principal question arising therefrom, in order to furnish you with a statement, which I shall endeavor to make as brief and clear as possible, without going into details which are not strictly necessary to the presentation of the subject.

For some time past there has been a want of accord between the imperial government and the party upon which it must chiefly rely for support in the Reichstag (Parliament). The ministerial changes in the departments of commerce and finance, which took place before my arrival at my post, were followed on the 9th instant (two days before the attempt upon the Emperor's life) by the resignation of Dr. Falk, minister of worship and education—a man who is justly regarded as one of the chief supports of the government, through his vigorous assertion of the supremacy of the state, in the conflict of the German Empire with the Church of Rome. It is openly understood that the grounds upon which his resignation is based represent the culmination of an opposition to his policy on the part of the imperial government, which has impeded his action heretofore; and the final step has therefore given rise to a general feeling of disquietude, if not precisely of distrust, in the party—the national liberals and their more or less closely affiliated branches which constitute the majority of the German Parliament.

Immediately after the criminal occurrence on the 11th instant, it was noticed that the "social-democratic" press throughout Germany, while disowning all sympathy with the act, maintained an attitude of coldness and reserve, and failed to unite frankly in the general expression of congratulation. The government, although indirectly receiving, through the addresses sent to the Emperor from every part of Germany, the heartiest assurances of loyalty, seems to have considered the moment favorable for the introduction of a repressive measure, aimed directly at the social-democratic party, yet so constructed as to be capable of a much more extended application.

I add (inclosure A) a translation of the project of a law, drawn up by the imperial ministry and laid before the Parliament on the 22d instant. Whatever view may be taken of the expediency of such a measure in Germany, the almost universal feeling is that both the occasion chosen

for presenting it and the particular form in which it is embodied are unfortunate. Sections 2, 3, and 4 of the projected law, for example, allow the local authorities a dangerous latitude of interpretation, especially since section 1 makes no specific declaration of the doctrines to be suppressed.

The direct effect of such a law, it is generally believed, would be to limit freedom of speech and of the press, while probably increasing the power of the social-democratic party by forcing upon it secret instead of open action.

These views were brought out strongly in the debate which was opened in the imperial parliament on Thursday morning, the 23d instant, and came to a close yesterday afternoon, the 24th. The few social-democratic members manifested great shrewdness in abstaining from all participation in the discussion, and even certain members who favored the law, in principle, avowed their dissatisfaction with its form. The most important speeches were made by the members Count Bethusy-Hue, Benningsen, Richter, Gneist, Lasker, and Count Moltke, the last of whom warned the social-democrats that "all revolutions first devour their own leaders." The subject was discussed in a dignified and temperate manner, probably because the fate of the project had been determined in advance. The vote upon the first section, which rendered any vote upon the succeeding sections unnecessary, was 57 ayes to 251 nays. The members of both branches of the conservative party, with two exceptions, voted aye. The large majority against the measure is accounted for by the union of the national, liberal, and the progressive parties.

The same evening the Parliament adjourned. It will not meet again before next January, and there will be, in the mean time, only a few elections to fill vacancies, unless the imperial government should order a dissolution, in which case the whole body must be newly elected.

In the present condition and temper of parties in Germany, the results of such a step would be very uncertain. It is too soon to speculate thereupon, but the probability that Dr. Falk's resignation will not be accepted does not indicate an intention on the part of the government to force a political crisis. A feeling of disappointment—I might even say, of depression—is apparent on both sides; if it conceals any increase of antagonism, the fact has yet to be developed.

I have, &c.,

BAYARD TAYLOR.

---

[Inclosure 1 in No. 9. —Translation.]

A.

*Project of a law for the prevention of social-democratic excesses.*

We, William, &c., in the name of the German Empire, with the concurrence of the imperial council and the Parliament, order as follows:

§ 1. Publications and societies which subserve the designs of the social democracy may be prohibited by the imperial council. Such prohibition must be publicly made, and communicated at once to Parliament, or if that body should not be in session, at its next meeting. Parliament has power to remove the prohibition.

§ 2. The circulation of printed matter in public places, streets, and places of resort may be provisionally prohibited by the local police authorities, when such printed matter subserves the designs specified in § 1. The prohibition ceases whenever such printed matter shall not also be prohibited within four weeks by the imperial council for the reason given in § 1.

§ 3. A public meeting may be prohibited by the local police authorities or broken up by the agents of such authorities after it has assembled if there are circumstances to justify the assumption that the meeting furthers the designs specified in § 1.

§ 4. Whoever circulates printed matter conflicting with the prohibitions contained in § 1 and § 2, shall be punished by imprisonment. The suppression of such printed matter may be made without judicial order.

§ 5. Participation in a society prohibited in § 1, or in a meeting prohibited by § 3, shall be punished by imprisonment. The same punishment shall be adjudged to each one who does not immediately withdraw as soon as the dispersion of a public meeting shall have been ordered, according to § 3. A term of imprisonment for not less than three months is decreed for the chairman of the society, for those who instigate and conduct the meetings, and for those who furnish the localities for such prohibited assemblages.

§ 6. Whoever publicly undertakes, either by speech or in writing, to destroy the existing legal or moral order, by the furtherance of the designs specified in § 1, shall be punished by an imprisonment of not less than three months.

§ 7. This law shall be valid for the term of three years only. The sections 1 to 5 shall become immediately operative.

No. 146.

*Mr. Evarts to Mr. Taylor.*

[Telegram.]

WASHINGTON, June 3, 1878.

TAYLOR, Minister, Berlin:

Express, through proper channel, the earnest congratulations of the President and American people on His Majesty's providential escape.

EVARTS.

No. 147.

*Mr. Taylor to Mr. Evarts.*

No. 14.]

LEGATION OF THE UNITED STATES,

Berlin, June 5, 1878. (Received June 20.)

SIR: I have the honor to inform you that your telegram of the 3d instant reached here about midnight, but was not delivered to me until early yesterday morning.

I lost no time in forwarding the congratulations of the President and the American people to his Majesty the Emperor, through his excellency Mr. von Bülow, minister of foreign affairs, and shall send the official acknowledgment by ocean cable as soon as received.

I regret to be obliged to report that the Emperor's condition, although the bulletins issued by his physicians are meant to be reassuring to the people, is such as to inspire considerable solicitude. The government policy of preserving silence tends, in this instance, to increase the feeling of apprehension, because such fragments of the truth as inevitably percolate through the official stratum surrounding the imperial court are likely to be magnified and misinterpreted. It is generally understood to-day that the temporary regency of the Crown Prince was determined upon at a late hour last night.

This circumstance, of itself, would not be disquieting; but the fact that it has not yet been proclaimed, lead the public to conjecture other than the clear and obvious reasons for such a step.

The connection of the criminal with the social-democratic movement, now fully established, gives rise to rumors of a widespread conspiracy;

and thus even the more intelligent classes of the people are not free from grave fears of coming political struggles.

I called at the ministry of foreign affairs to-day in the hope of obtaining a definite answer to the invitation of the United States in regard to an international monetary convention, but Mr. von Bülow begged to be excused from receiving me on the ground that he was unable to see any one at the time. Prince Bismarck arrived yesterday, and his presence gives weight to the report of the regency of the Crown Prince. The congress of the powers, for the discussion of the treaty of San Stefano, which meets here on the 13th instant, adds further probability to the report.

From all I can learn up to the present moment, the Emperor is in no immediate danger, yet his great age, and the nervous and moral shock he has undergone, invest his condition with some uncertainty. The physiognomy of the city to-day is both gloomy and restless.

I have, &c.,

BAYARD TAYLOR.

No. 148.

*Mr. Taylor to Mr. Evarts.*

No. 19.]

LEGATION OF THE UNITED STATES,  
*Berlin, June 10, 1878. (Received June 26.)*

SIR: Referring to my dispatch No. 14, I am glad to report that the condition of the Emperor has so materially improved that his final recovery is no longer doubtful. The chief remaining difficulty is occasioned by a buckshot which has lodged between the bones of the right forearm in such proximity to an artery that it cannot be extracted. This circumstance, which prevents the use of the hand, and the necessity of a long period of repose, led to the appointment of the Crown Prince as Regent of the Empire on the evening of the 4th instant. The proclamation of this act was delayed, because the constitution of the empire contains no provision for the government of a regency. Nevertheless, such provision being contained in the constitution of Prussia, and the hereditary imperial dignity being conferred on the Prussian royal house, the right of the Emperor to order and the imperial council to accept and proclaim the regency of the Crown Prince has been directly inferred, and will probably not be disputed in any quarter.

On the 6th instant the official announcement, signed by all the members of the imperial ministry, was given to the public.

Dr. Falk, minister of worship and education, retains his place, having withdrawn his resignation. The universal sentiment is one of concurrence in the expediency of the act. On the 8th instant, however, another and much more important measure was announced, and public opinion is sure to be divided in regard to it. The Prussian Government has formally proposed the dissolution of the present Parliament (*Reichstag*) to the imperial council, on the ground that a repressive law is now more than ever necessary, and that the passage of such a law could not be expected from the Parliament, in view of its recent action. The proposition, signed by Prince Bismarck, is very carefully worded, and the closing passage is evidently designed to allay apprehensions of any general reactionary tendency on the part of the imperial government. It runs thus:

The Prussian Government \* \* \* is not of the opinion that the amount of liberty given by existing laws needs, in a general sense, any restriction; with the mea-

ures of security which it desires, it holds that it is neither just nor serviceable to strike at any other movements than those which endanger the existing civil order; it believes that it is precisely the movement of the social democracy which calls for defensive measures, and against which alone such measures should be directed.

The imperial council will meet to-morrow to discuss this proposition, but it is already understood that it will be accepted.

According to the constitution of the empire the elections must be held within sixty days from the promulgation of the decree of dissolution, and the new Parliament must meet within thirty days thereafter.

The fact that all parties are already taking measures looking toward a new election shows that, whatever view may be taken of the government's policy, its enforcement is considered inevitable.

The national liberal central committee is summoned to meet here on the 16th. Since the last attempt upon the Emperor's life more than a hundred arrests for *lèse-majesté* have been made throughout Germany, followed, in some instances, by exceptionally severe punishment. The current of public opinion apparently continues to set steadily against the social-democratic party, since the evidences of a conspiracy, extending to the affiliations of the latter in other countries, are gradually increasing. This will undoubtedly affect the popular vote, but to what extent cannot be estimated in advance.

Inasmuch as the same socialistic movement has already become a disturbing element in the United States, I consider it important to report the progress of events in Germany, and shall endeavor to keep the Department fully informed, making use of private as well as public sources of knowledge.

I have, &c.

BAYARD TAYLOR.

---

No. 149.

*Mr. Taylor to Mr. Evarts.*

[Telegram.]

BERLIN.

EVARTS, *Washington* :

The Crown Prince of Germany expresses his sincerest thanks to the President of the United States and American people for sympathy manifested on account of shocking occurrence on 2d instant.

TAYLOR.

Received June 12, 1878.

---

No. 150.

*Mr. Taylor to Mr. Evarts.*

No. 20.]

LEGATION OF THE UNITED STATES,  
*Berlin, June 15, 1878. (Received July 3.)*

SIR: Although, in accordance with the previous custom of this legation, I do not consider it necessary to make a circumstantial return of all cases of contested citizenship which occur, there are occasional exceptions which seem especially to call for the consideration of the Department of State. I beg leave at present to ask your attention to one

which involves a new claim on the part of a minor German state, and, having apparently received the sanction of the imperial government, may practically annul treaty obligations, so far as that state is concerned. The inclosures accompanying this dispatch will present the necessary substance of the case; and, in order to avoid a surplus of detail, I will briefly recapitulate the main facts, holding all the minor documents at the disposal of the Department, if it should desire them to be forwarded.

Carl Ganzenmüller, of Sinsheim, Baden, born in 1851, emigrated to the United States with the permission of the local authorities in 1869; became a naturalized citizen on the 12th July, 1875; left for Germany July 17, 1875, furnished with his certificate of naturalization, and has resided at his former home since August, 1875, ostensibly to take care of his aged and decrepit father. On the 11th of April last, he was ordered to leave Baden or become a citizen of the Grand Duchy, subject to military duty. The reasons given by the local authorities of Sinsheim for this order of expulsion was that his exemption from such duty, on account of his American citizenship, was a bad example to other young men, who might be tempted to imitate it. The said Ganzenmüller, it is true, had exceeded the two years of residence allowed by article 4 of the treaty of 22d February, 1868, between the United States and the North German Union; but this article is not included in the separate treaty between the United States and the Grand Duchy of Baden, nor was it officially adduced as a reason for the order of expulsion. The case was presented to the foreign office by Mr. H. Sidney Everett, chargé d'affaires of the United States, on the 30th April (inclosure 1), not because the limit of two years' residence is not stipulated in the treaty with Baden (since a single clause applicable to all German states would be much more desirable), but especially because he was unwilling to accept, without protest, the claim of the Baden authorities to make a state law, enacted subsequently to the treaty, paramount to the international law embodied in the treaty itself.

Since then the said Ganzenmüller has appealed to this legation for special measures of protection, which (except such as might procure a stay of proceedings) could not properly be demanded while his case was under consideration by the imperial government. In order, however, that nothing might be left undone to prevent flagrant injustice, I directed Mr. Edward M. Smith, United States consul at Mannheim, to visit Sinsheim and ascertain personally the facts of the case. This, as will be seen from his letter (inclosure 2), was promptly done. His answer reached me on the 13th instant, and simultaneously with it the reply of the minister of foreign affairs (inclosures 3 and 4) to Mr. Everett's note of April 30.

If the government of the Grand Duchy of Baden had accepted and officially signified its acceptance of article 4 of the treaty of 22d February, 1868, between the United States and the North German Union—thus recognizing the Government of the German Empire as political heir to the agreements made by foreign nations with the former government—the limitation of two years' residence might preclude this legation from taking further steps in the case; but, so far from having done so, the sole justification presented (and apparently accepted by the Imperial Government of the German Empire, *vide* inclosure 4) is based upon article 4 of the laws of sojourn (*Aufenthaltsgesetz*) of the Grand Duchy of Baden, enacted 5th May, 1870, nearly two years subsequent to the treaty. The article runs thus: "The grand ducal ministry of the interior may at any time decree the expulsion of such foreigners as endanger the external or internal safety of the state."



The fact that this article is intended to apply to naturalized American citizens who may return temporarily to Baden, without regard to the term of their residence there, is singularly proven by the circumstance that the same local authorities at Sinsheim, in Baden, have just ordered the expulsion of Gustav Weil, a naturalized American residing in Alabama, only four weeks after his return for a brief visit to his native place. My reply to the communication of the minister of foreign affairs (inclosure 5) presents the new element which the government of the Grand Duchy of Baden has introduced into questions of this kind, together with an illustration of the abuses which it may cover, furnished by the case of the said Gustav Weil.

The direct inference from the ground taken by the German Government is that American citizenship is in itself dangerous; and, if the plea were admitted, it might be made the occasion for the arbitrary expulsion of all German Americans of a certain age who may desire to revisit their former homes. I cannot, therefore, allow it to be even inferentially assumed by the government that the reason given for the expulsion of Carl Ganzenmüller in its memorial is accepted as satisfactory; and hence I have felt it my duty to declare, without delay, the different view taken by this legation.

I beg leave to ask most earnestly and respectfully for a consideration of the principle involved, and a decision which will enable me to express authoritatively the judgment of the Government of the United States. Inasmuch as cases of a similar nature are multiplying with such rapidity as to tax the ability of the force of the legation to give them whole and fitting attention, it is particularly desirable to come to a clear understanding with the German Government in regard to the principles upon which they may be settled.

I have, &c.,

BAYARD TAYLOR.

---

[Inclosure 1 in No. 2].

Mr. Everett to Mr. von Bülow.

LEGATION OF THE UNITED STATES,  
Berlin, April 30, 1878.

SIR: The undersigned, chargé d'affaires *ad interim* of the United States of America, has the honor to call the attention of his excellency Mr. von Bülow, imperial secretary of state for foreign affairs, to the case of Mr. Charles Ganzenmüller, a naturalized American citizen temporarily resident in Sinsheim, Grand Duchy of Baden, as will be seen by the inclosed papers, the ultimate return of which is respectfully requested. The Baden authorities at Carlsruhe have, under date of April 11, ordered the departure of Mr. Ganzenmüller in fourteen days, under the provisions of a local law expelling persons who are dangerous to the safety of the state. The attestation of the police, likewise inclosed, would seem to show that this was not the case in regard to Mr. Ganzenmüller; but the Baden authorities have assigned as a reason for expelling him that his example in going to America, becoming naturalized and returning so soon to Baden with the intent to remain, is a pernicious example to other young men.

The great age and helplessness of Mr. Ganzenmüller's parents would seem to be a sufficient reason for his filial desire to remain, but the official assertion that he intends to remain permanently is disproved by his statement that he intends to return in two years to the United States, while not admitting the right of the authorities to question his peaceful residence in Baden.

The undersigned, while unable to understand the reason that Mr. Ganzenmüller's case was so suddenly selected as an illustration of so extraordinary a principle, which, as far as the legation is aware, has never been used before toward American citizens, would respectfully request his excellency Mr. von Bülow, in view of the shortness of the warning, which has apparently already expired, to cause the case to have as careful and speedy an investigation as it would seem to require.

The undersigned avails himself of this occasion to renew to his excellency, Mr. von Bülow, the assurance of his distinguished consideration.

H. SIDNEY EVERETT.

His Excellency Mr. VON BÜLOW, &c., &c., &c.

[Inclosure 2 in No. 20.]

*Mr. Smith to Mr. Taylor.*

CONSULATE OF THE UNITED STATES,  
*Mannheim, June 11, 1878.*

SIR: In pursuance of the request contained in your letter of the 7th, I proceeded to Sinsheim. Owing to the occasion of the Whitsun holidays I could not see the Bezirksamt until last night. In the case of Mr. Charles Ganzenmüller, it appears that he has remained in Germany without giving notice to the government for the period of six months longer than the two years permitted under the treaty of 1868, and that the authorities of Baden insist that he shall either serve in the army or return to the United States.

The authorities are very much annoyed by complaints, made by Germans who remain at home and serve as required in the army, with reference to Germans who go to the United States and become citizens and then return to Germany and live for a longer time than two years. Consequently they require a strict conformance with the treaty whenever complaint is made to them by the local authorities.

In this case complaint was made. Mr. Ganzenmüller, when called upon by the authorities at the end of two years and six months, went to Bruschal, where he was examined and pronounced fit for military duty. He then appealed to the authorities at Baden and Berlin, and was informed from both places that he must serve or leave the country. Thus, much attention has been called to his case, so that the Bezirksamt is powerless and can only act under instructions from Baden. If you desire it and will telegraph me to do so, I will go to Carlsruhe and endeavor to get his time of residence extended. I have advised him to make a written application to the minister of the interior at Carlsruhe, stating his reason for wishing to stay longer in Germany and promising to return to the United States November 1. It may be that his request will be granted, as the authorities of Baden are not inclined to be over-strict.

The case of Gustav Weil is different, he has now made a sworn statement that he does not intend to remain permanently in Germany, and that he will return to the United States September 1st, and sent it to Baden. Time will be given him to have a reply from the minister previous to the termination of his notice to leave the country.

Had he on his arrival deposited his passport or citizen papers with the authorities at Sinsheim, and declared that he did not intend to remain permanently in Germany, he would have had no trouble.

Waiting your further instructions, I remain, your obedient servant,  
EDWARD M. SMITH,  
*United States Consul.*

Hon. BAYARD TAYLOR,  
*American Minister, Berlin.*

[Inclosure 3 in No. 20.—Translation.]

*Mr. von Bülow to Mr. Taylor.*

FOREIGN OFFICE, Berlin, June 11, 1878.

SIR: The undersigned has the honor, replying to the esteemed note of the 30th of April last, the inclosures of which are herewith returned, to inform the envoy extraordinary and minister plenipotentiary of the United States of America, Mr. Bayard Taylor, that he has not failed to cause an investigation to be made with the proper authorities concerning the decree of expulsion pronounced against the American citizen Charles Ganzenmüller.

The result of this investigation is contained in the inclosed memorial.

The envoy will be so good as to perceive from the same that the proper authority finds itself unable, after repeated careful examination of the case, to annul the decree of expulsion pronounced against Charles Ganzenmüller.

The undersigned also avails himself of this occasion to renew to Mr. Bayard Taylor the assurance of his most distinguished consideration.

VON BÜLOW.

BAYARD TAYLOR,  
*Envoy Extraordinary and Minister Plenipotentiary of the United States of America.*

[Inclosure 4 in No. 20.—Translation.]

*Memorial.*

## FOREIGN OFFICE.

Charles Ganzenmüller, born August 15, 1851, at Sinsheim; emigrated to America in the year 1869, and acquired citizenship in the United States in the year 1875. In the course of the same year, and within a few days after his naturalization, he returned to his native place, where he has taken up his permanent residence.

His nationality is therefore to be determined by article 4 of the state-treaty, concerning the mutual regulation of the rights of citizenship of emigrated persons, concluded between Baden and the United States of America on the 19th of July, 1869, which reads as follows:

"The emigrant from the one state, who, according to article 1, is to be held as a citizen of the other state, shall not on his return to his original country be constrained to resume his former citizenship; yet if he shall of his own accord reacquire it, and renounce the citizenship obtained by naturalization, such a renunciation is allowable, and no fixed period of residence shall be required for the recognition of his recovery of citizenship in his original country."

Ganzenmüller is, in accordance herewith, notwithstanding his return to Germany, to be regarded, not as a Badener, but as an American citizen, and particularly is his enrollment for military service thereby excluded under section 11 of the military law of May 2, 1874. Ganzenmüller has thus achieved by his course the practical result that, through an absence of several years and his naturalization in America, he has divested himself of the onerous and highly important obligation to perform military duty in his native country, enjoying at the same time, however, and while still within the military age, sojourn in and the protection of the laws of his native country in the same degree as those of his former fellow-citizens who, in accordance with regulations, have performed their military duty.

It may remain an open question whether the emigrant at the time of his emigration had or had not the intention to thus evade military service; the practical result thus attained is alone sufficient to bring the temptation home to others to adopt a like course. Pursuant to section 4 of the Baden law of sojourn of May 5, 1870, the grand ducal ministry of the interior may at any time decree the expulsion of such foreigners as endanger the external or internal safety of the state.

It has now recognized such a danger in the continued sojourn of Ganzenmüller, and in order to counteract the evil consequences resulting from such an example, and in order that the practical success attained in the evasion of military duty without final emigration may be as practically set aside, has decreed his expulsion. Ganzenmüller has appealed against this decree to the supreme state authority; his appeal has, however, been adversely decided by a state ministerial decision of the 24th of May last, and the grand ducal district officer (Bezirksamt) at Sinsheim was thereupon instructed to execute, after a brief respite, the expulsion heretofore suspended by the appeal.

The possibility of expulsion under article 4 of the Baden law of June 1, 1870, is an indispensable supplement of the treaty hereinbefore mentioned, if the latter is not to be abused as a means of evading military duty.

For the rest, a person thus expelled can avoid the execution of the decree by deciding, under article 4 of the treaty and section 8 of the imperial law concerning the acquisition and loss of state and federal citizenship, to reacquire Baden citizenship and perform the necessary military service.

To Charles Ganzenmüller the alternative is thus offered of either leaving the country or again becoming a Badener and submitting to be treated as such.

As, moreover, the expulsion was only decreed after Ganzenmüller had resided more than two years in his former country subsequent to his return from America, he finds himself practically in the same position as if the provisions of Article 4 of the naturalization treaty, concluded between the former *Northgerman-Bund* and the United States, different in themselves from those of the *Baden-American* treaty, were the guide by which he must determine his state-citizenship relations.

Under these circumstances there were found to exist, even after a repeated examination of the case, no adequate grounds to abstain from carrying into execution the decree of expulsion pronounced against Ganzenmüller.

BERLIN, June 11, 1878.

[Inclosure 5 in No. 20.]

*Mr. Taylor to Mr. von Eulow.*

LEGATION OF THE UNITED STATES,  
Berlin, June 14, 1878.

SIR: The undersigned, envoy extraordinary and minister plenipotentiary of the United States of America, has the honor to acknowledge the receipt of the communication of

minister of foreign affairs, of the 11th instant, (it), containing the decision of the imperial miller, a citizen of the United States of America, the authorities at Sinsheim, Baden.

M. H. S. Everett, chargé d'affaires, on the 30th of the minister of foreign affairs was called to which the expulsion of the said Ganzenmüller received appears to recognize these grounds respectfully to present to the imperial government conflict with the letter as well as the spirit of 1878.

and that the assumption of the government of not intend "final emigration," and that his by his own formal declaration, and by the (reindereath), that "through his residence in endangered."

himself to calling attention to article 2 of states and Baden, which specifies the only circumstance of the latter country is liable to punishment is not claimed that any such liability has expulsion is based upon § 4 of the Baden law of 1870. This action assumes that the fact of and that all natives of Baden, of a certain citizens of the United States, may be expelled whenever they return to visit their former

ing to article 4 of the treaty of February 22, North German Union, the said Ganzenmüller's has not been formally accepted by the government which, not specifying any limit of residence of by the authorities to prohibit any residence in the same town of Sinsheim which shows. It is herewith transmitted to his excellency the undersigned begs his excellency to notice within a month of the naturalized citizen's announced his intention of returning to the

signed is compelled most respectfully to explain contained in the memorial received from the of May 5, 1870, is an "indispensable supplement used as a means of evading military duty." of the Baden law as have been made by the signed to be in direct contravention of those laws of the two countries which the treaties subject will therefore be submitted by this legation of the United States.

BAYARD TAYLOR.

151.

to Mr. Erarts.

OF THE UNITED STATES,  
June 17, 1878. (Received July 3.)

No. 19, I have the honor to report that specially changed during the past week. The amendment was unanimously accepted by and the new elections have been ordered for July. All parties are actively engaged in the publicity as yet has been given to the Emperor from his wounds continues

on the afternoon of the 8th instant,

He at once invited me to walk with him in the large gardens in the rear of his residence, and afterward showed me through the halls and chambers of his new palace, adjoining the old ministry of foreign affairs, in which he has hitherto lived. The former were being furnished in great haste. The prince and his family took possession of the palace on the 11th, and on the 13th the members of the European congress held their first meeting in the chief hall. My interview with the prince lasted for nearly an hour and a half. As it occurred at the end of a very long cabinet meeting, he seemed to find a relief in conversing freely upon horticulture, the habits of animals, and other topics suggested by the garden and grounds. I purposely made no allusion to political matters. The prince appears to have entirely recovered from his recent illness and looks exceedingly robust and cheerful.

The meeting of the congress absorbs the greater portion of the public interest at present. The special embassies are all on hand, that of Turkey being the last to arrive. Except the formal exchange of calls, there has been little intercourse between them and the other foreign legations here. The official hospitalities they have received have been made exclusive, on the ground that it was necessary to allow the heads of the embassies opportunity for better personal acquaintance. The proceedings are conducted under the strictest obligations of secrecy; yet certain facts have already found their way into the general diplomatic circle and cannot be kept much longer from the public knowledge. Although the outline of an understanding between England and Russia, published nearly two weeks ago in the London Globe, was admitted to be substantially correct, it was also known here that the attitude of Austria remained quite uncertain, and her order to mobilize 100,000 troops created some uneasiness.

Since the first session of the congress on the 13th, the aspect of affairs has somewhat changed. It is now reported that the basis of the understanding published in the Globe was antecedent to Count Schouvaloff's visit to St. Petersburg; that it has not as a whole been formally accepted; and consequently that England goes into the congress untrammelled by at least some of its stipulations. Lord Beaconsfield, after the congress was organized, made a strong, carefully-considered speech of less than fifteen minutes in length, in which he offered to withdraw the British fleet at once from before Constantinople, provided Russia would withdraw her army. Count Schouvaloff was evidently unprepared for this proposition, and could only answer that he must first consult his government. He intimated, also, that if the Russian troops were suddenly removed a revolution in Constantinople might ensue, leaving Turkey without a government to be represented in the congress. The physical condition of Prince Gortchacow exposes Russia to a disadvantage at this crisis. I called yesterday to renew my former personal acquaintance with him, but found that he was again confined to his bed. Lord Beaconsfield, although showing marked signs of his age, appears to have husbanded his vigor for the occasion, and thus far to have made the greatest impression upon the congress. So far as I can ascertain, the intentions of Austria have not been categorically declared. I learn, further, from the chief representative of one of the powers, that while it is already seen that certain points will excite sharp discussion and be difficult of settlement, the feeling of all is that peace will be preserved.

The congress meets again to-day, and will probably hold several sessions this week. As the Government of the United States occupies the attitude of an impartial spectator, I may be able to give some particu-

lars of the temper of the different powers, which, for obvious reasons, would scarcely find their way into the European press. I shall certainly neglect nothing which may have a possible interest for the Department of State.

I have, &c.,

BAYARD TAYLOR.

---

No. 152.

*Mr. Taylor to Mr. Evarts.*

No. 26.]

LEGATION OF THE UNITED STATES,  
*Berlin, July 1, 1878. (Received July 18.)*

SIR: The tenor of your circular of 23d May, 1877, to my predecessor, Mr. Bancroft Davis, instructing him to use his official position to render agreeable in every way the visit of the distinguished American citizen, General U. S. Grant, Ex-President of the United States, to this capital, allows me to infer that I may with propriety report to the Department of State the circumstances attending and following his arrival here.

It had been announced in various journals that General Grant would proceed directly from Amsterdam to Copenhagen without visiting Berlin, and my first intimation of his coming was through a letter from my colleague, Mr. Birney, United States minister resident at the Hague, received on the 22d ultimo. I communicated immediately with him and with Mr. A. M. Simon, the United States vice-consul at Hanover, and ascertained the day and hour of General and Mrs. Grant's arrival here. It was then impossible—since the stay of the distinguished visitors would be brief—to arrange in advance for such interviews and honors as might be procured for them at a time when both assumed an exceptional importance. The Emperor is unable to receive any one, and I was informed by the proper officials that the Empress, for this reason, would probably feel bound to maintain her privacy in the palace. Prince Frederick Charles is absent on a visit to England, and Count Moltke is residing on his estate in Silesia, at some distance from Berlin. Furthermore, the presence of the European congress, and the number of prearranged dinners and social assemblages arising therefrom, seemed to limit the amount of attention which, at any other time, would have been so freely accorded to the Ex-President.

On Wednesday, the 26th ultimo, after having arranged for a reception by his imperial highness the Crown Prince, and by Prince von Bismarck, I traveled as far as Hendal (about sixty-five miles), there met General and Mrs. Grant, and accompanied them to Berlin. The secretaries of this legation, the consular officials, and a number of the American residents were at the station to welcome the distinguished guests; the hour was too late for any other testimony of respect.

The following afternoon I accompanied General Grant to the palace of the Crown Prince, where he was first received by all the adjutants and court officials of the latter, and conducted to the audience room. The Crown Prince then entered, in his uniform of field-marshal, greeted General Grant most cordially, and conversed with him for three-quarters of an hour. At the close of the interview he invited him and Mrs. Grant, together with myself, to dine at the new palace in Potsdam the next evening.

On returning home I was surprised to find a letter from Count Nessel-

rode, court marshal of the Empress, informing me that Her Majesty would receive me on Friday afternoon. From the absence of certain customary formalities on reaching the palace and the quiet manner of my reception, I suspect that it was meant to be private quite as much as official. The Empress took occasion to express to me the Emperor's interest in General Grant's history, his desire to meet him personally, and his great regret that this was now impossible. Her words and manner implied an authorization that I should repeat these expressions to General Grant. She then spoke very freely and feelingly of the disturbances occasioned by the distress of the laboring classes, declared her belief that a period of peace would be the best remedy, and finally said: "The Emperor knew that I should see you to-day. He has the peace of the world at heart, and he desires nothing so much as the establishment of friendship between nations. I ask you to make it your task to promote the existing friendship between your country and ours. You cannot do a better work, and we shall most heartily unite with you in doing it. This is the Emperor's message to you, and he asked me to give it to you in his name as well as my own." She bowed and left me. The deep, earnest, pathetic tones of her voice impressed me profoundly. I kept her words carefully in my memory, and have repeated them with only such changes as the translation makes necessary.

The same afternoon I accompanied General and Mrs. Grant to Potsdam. The fact that the dinner was given specially in their honor was evident on reaching the station. They were ushered into the imperial waiting-room, from which a carpet was spread to the state car. On reaching Potsdam, the first court equipage conveyed them, together with Mr. von Schöller, German minister at Washington, and myself, to the palace, the other guests following us. Before the dinner General Grant and Mrs. Grant and myself were received by the Crown Princess in private audience. The company numbered about fifty, including the Prince of Hohenzollern, Prince Augustus of Würtemberg, the members of the imperial ministry, and all the chief officials of the court. Mrs. Grant was seated beside the Crown Prince and General Grant opposite, beside Mr. von Bülow, both being the places of honor. I did not consider it consistent with the dignity of the government I represent to make any stipulation concerning etiquette in advance, or even to ask any question, and I am consequently all the more gratified to find that it would have been unnecessary. During the return to another station, by a longer drive through the park and city, General Grant received every mark of respect from the people, who crowded the streets to see him pass.

Early on Saturday morning I sent a private letter to Prince Gortchakow, who is still unable to walk and can pay no visits, asking whether he could receive the Ex-President. His reply was so cordial, that I conducted the latter to him the same day. The interview was necessarily somewhat brief, on account of the prince's condition, but it was of the most friendly and satisfactory character. \* \* \* \* \*

I had also arranged that General and Mrs. Grant should receive the American residents in Berlin, together with such of our countrymen as are temporarily staying here, on Saturday evening. So far as I can learn, there were not more than four or five who failed to attend, and the company, numbering about seventy, was a gratifying representation of the intelligence and refinement of our citizens.

Yesterday afternoon, according to the arrangement I had made through Mr. von Bülow, General Grant visited Prince Bismarck, who had previously made a personal call at the hotel during the former's absence.

The meeting of the two distinguished men was as informal, frank, and cordial as if they had been friends of long standing.

The Crown Prince appointed Major Igel, of the general staff, to place himself at the disposition of General Grant during his stay, in order—as the official announcement of the honor made to me by the minister of foreign affairs states—“to consult his excellency’s wishes in regard to the inspection of everything which his excellency may consider worthy of notice in the department of military science.” Major Igel has accordingly arranged for an extended review of troops, illustrating every branch of the service, to take place to-day.

This evening Prince Bismarck entertains General and Mrs. Grant at a dinner, to which the members of the American legation are also invited. In fact, at so disturbed and excited a period as the present, it would scarcely be possible for the imperial government to show greater or more cordial attentions. As General Grant leaves for Hamburg to-morrow, his presence to-night at the *soirée*, given by Lord Odo Russell to the members of the European congress and the diplomatic corps, will be his last opportunity of receiving special honor in this city.

I need not assure you that everything in the power of this legation has been done to make the visit agreeable. Mr. Everett and Mr. Coleman have given their most zealous services, without allowing any official duty to be neglected. The number of cases requiring careful examination and much correspondence does not diminish, and the demands for information, which the legation does not feel at liberty to decline, although not strictly obliged to furnish, tax both time and research. I would most respectfully ask, therefore, that the failure of Congress to make any appropriation for the salary of a second secretary at Berlin may not result in an actual abolishment of the office, but that some means may be adopted for continuing the latter until the next meeting of Congress. Mr. Coleman’s services are absolutely indispensable; no temporary clerk could be found possessing his perfect knowledge of every technical detail and his mastery of German legal forms. Should he be obliged to leave here immediately, it would scarcely be possible for Mr. Everett and myself, even by the utmost devotion of time and energy, to perform other than the most important duties of the legation.

I have, &c.,

BAYARD TAYLOR.

No. 153.

*Mr. Taylor to Mr. Evarts.*

No. 28.]

LEGATION OF THE UNITED STATES,  
Berlin, July 5, 1878. (Received July 24.)

SIR: Referring to your instruction No. 7, which reached me on the 3d instant, I beg leave respectfully to represent that the case of Mr. Willimek belongs to a class the disposition of which has already been settled by the action of the German Government. If his statement be strictly correct in every particular, he is not liable to punishment, and may return to Germany for the space of two years without interference by the local authorities.

In order to confer with the minister of foreign affairs, as I am instructed to do, I require to be furnished with the evidence of his naturalization, and also to know his former place of residence in Germany,



since otherwise there would be no practical means of granting the special favor which he has requested from the Department of State.

Inasmuch as cases exactly similar to his have been satisfactorily settled under the provisions of the treaty, I cannot but feel that to ask the Imperial Government for an assurance in advance would be to imply a doubt of its good faith. The records of this legation do not show any instance of a protection being granted to any naturalized citizen without the production of the documents necessary to establish his character and identity.

As a further guarantee, I herewith inclose the ministerial circulars of July 5 and 6, 1868, which have special reference to cases like that of Mr. Willimek. Furnished with this (especially if it also bears the stamp of the Department of State), he needs but to show it to the authorities of his native place immediately on his arrival and declare the probable duration of his visit, in order to be recognized and protected as an American citizen.

I have, &c.,

BAYARD TAYLOR.

---

[Inclosure to dispatch No. 28.]

*Ministerial decree of July 5, 1868.*

In concluding the treaty of the 22d February of this year (Bulletin of the Laws of the Confederation, p. 228), agreed upon between the North German Confederation and the United States of America, respecting the nationality of emigrants, it was the prevailing intention. That in conformity to the second article of that treaty the punishment incurred by punishable emigration is not to be brought to execution on occasion of a return of the emigrant to his original country if the returning emigrant has obtained naturalization in the other country in conformity to the first article of the said treaty.

In consideration whereof, in every case where legally valid condemnations of this kind exist against such persons, an official report is to be made to the minister of justice respecting the remission of the declared punishments and costs by way of grace; and, in order to shorten and simplify the matter, these recommendations are to be consolidated in a table, if the number of cases is large enough to justify a tabular form of report.

Berlin, the 5th July, 1868.

The minister of justice,

DR. LEONHARDT.

To all royal courts of appeal, to all royal supreme courts, and to the state attorneys-general in Kiel, Cassel, Wiesbaden, and Frankfort on the Main.

---

*Circular of the 6th July, 1868.*

In concluding the treaty of the 22d February of this year (Bulletin of Laws of the Confederation, p. 228), between the North German Confederation and the United States of America, it was the prevailing intention. That, in conformity to article 2 of this treaty, the punishable action, committed by the unauthorized emigration of a citizen of the confederation to the United States of America, should not be made the ground for a penal prosecution upon the return of such person to his former country after absence of not less than five years, and that the punishment for such action, even though already legally declared, should not be consummated if the person has acquired in America the right of citizenship in conformity to article 1 of said treaty.

The royal government is therefore instructed in the cases indicated to abstain from recommending trial and punishment, and in general from every kind of prosecution, whenever the person in question is able to produce the proof that he has become a naturalized citizen of the United States of America in conformity with the first clause of article 1.

The proper judicial authorities will be furnished by the minister of justice with an instruction in all cases where legal sentences of this kind, against the persons above

described, exist, to report officially the remission by way of grace of the declared punishments and costs.

Berlin, the 6th of July, 1868.

For the minister of the interior:

SULZER.

To all the governments of the monarchy.

I send a copy to you, &c., with the very humble request that you will at once be pleased to provide the bailiwicks with the proper notice.

For the minister of the interior:

SULZER.

To the chief president at Hanover and to the presidency of the police here, a copy in like manner for their guidance.

No. 154.

*Mr. Taylor to Mr. Erarts.*

No. 32.]

LEGATION OF THE UNITED STATES,  
*Berlin, July 15, 1878. (Received July 31.)*

SIR: On Saturday, the 13th instant, precisely one month after its first meeting, the European congress came to an end. The treaty of Berlin, perhaps the most important historical act since that of Vienna, in 1815, was signed by the representatives of Germany, Russia, England, Turkey, France, and Austria, and the so-called "Eastern question" is thereby temporarily settled.

Referring to my dispatch No. 21, I take this occasion to explain that, after the first three or four sessions of the congress, the representatives of the English press succeeded in penetrating the secrecy which had been imposed upon its deliberations. When I discovered that the latter were correctly reported day by day in the London journals, and consequently transmitted immediately to the United States, I considered it unnecessary to forward mere repetitions of known facts. The text of the completed treaty is already published, and is probably in the possession of the Department of State as I write these lines.

I may add, nevertheless, that while the prevalent impression here is one of relief, especially since a general peace, although of uncertain duration, is assured, the solution of the question is more or less unsatisfactory to all the parties concerned. During the second week of the congress political differences so serious as to cause some anxiety were developed; and it is probable that the distinguished statesmen would have failed in their object but for the remarkable tact, firmness, and energy displayed by Prince Bismarck, the presiding officer. The disclosure of the separate treaty of June 4, between England and Turkey, was not made until the agreement of the congress was assured, hence it had no direct effect as a disturbing influence.

While the treaty of Berlin practically removes Turkey from the list of European powers, it establishes no permanent basis of peace. The fact that Greece, Roumania, Servia, and Montenegro are equally dissatisfied, changes the character of the discord without removing it. England's acquisition of Cyprus and her protectorate of Asiatic Turkey shifts the ground of her rivalry with Russia, yet at the same time declares that rivalry more openly and defiantly than ever before in her history. I notice that the Russian press already accepts the defiance, and proclaims that the Empire must extend its communications to Central Asia, in order, when the struggle comes, to attack England in India. It is perhaps an advantage that the political situation has been stripped of many former disguises and pretexts and now becomes clear to the world. The chief interest which the Government and people of the United States

have in the treaty is its enforcement of religious liberty in Roumania, Bulgaria, and East Roumelia. This is the only point which I felt at liberty to present unofficially to several members of the congress, and I am glad to report that it was opposed by none of the statesmen present.

I have, &c.,

BAYARD TAYLOR.

No. 155.

*Mr. Taylor to Mr. Evarts.*

No. 34.]

LEGATION OF THE UNITED STATES,  
*Berlin, July 27, 1878. (Received August 14.)*

SIR: I have the honor to transmit herewith (inclosure I) the report of the ministry of foreign affairs in the case of Julius Bäumer, presented in your instructions No. 442, and referred to in my dispatch No. 7. While neither the manner nor the substance of the reply can be regarded as satisfactory, since it indirectly puts forward the same claim to the right of expulsion as was made by the government of Baden in the Gaumenmüller case (dispatch No. 20); appealed from by myself and finally disavowed by Mr. Von Bülow, I do not feel at liberty to take any further steps in the matter until it has received your consideration.

I have, &c.,

BAYARD TAYLOR.

[Inclosure in No. 34.—Translation.]

*Mr. v. Philipsborn to Mr. Taylor.*

FOREIGN OFFICE, *Berlin, July 18, 1878.*

SIR: The undersigned has the honor, referring to his communication of the 25th of May last, to inform the envoy extraordinary and minister plenipotentiary of the United States of America, Mr. Bayard Taylor, that the investigation instituted in the matter of the expulsion of Julius Bäumer from Germany by the authorities at Münster has now been concluded.

This investigation has resulted in showing that the facts of the case are substantially in accord with the statements contained in the dispatch of the Department of State at Washington of April 30 last, a copy of which was inclosed in the esteemed note of Mr. Bayard Taylor of the 18th of May following, and on this basis the following exposition of the case is presented:

Bäumer, who by descent was of Prussian nationality, sought and obtained his discharge from this nationality in the year 1868, at the age of 21 years, thereupon emigrated to America, and, after having acquired American citizenship, returned in September, 1877, to Münster, for the purpose of sojourning there with his parents.

After he had remained there for several months, the royal government at Münster, acting on the assumption that it was not Bäumer's intention to return to North America, but simply to evade the performance of German military duty, caused him to be notified, under date of December 12, 1877, that he must either leave the territory of the German Empire within eight days, or, in case he should remain in Germany, perform his military duty. This notification caused Bäumer to address to the royal minister of the interior, on the 20th of the same month, a request that he might be permitted to make a longer stay at Münster, as, owing to want of means, he should not be able to enter upon his return journey to America until February of the following year.

This request, which contained no complaint whatever as to the decree of expulsion itself, was responded to by the royal minister of the interior at once, and in such manner that primarily the expulsion was suspended for the time being, and permission accorded Bäumer to reside at Münster until the middle of February next.

Bäumer, informed of this by the police authorities of Münster, declared, however, that he did not purpose availing himself of the respite granted him, but should start on his return journey to America on the 31st of January. In accordance with this

declaration, he did leave Münster for America on the last-mentioned day, without the use of measures of force or even the existence of a necessity for the use of such.

Bäumer did not, it is thus seen, make the measure of expulsion adopted against him the occasion of any complaint whatever, either to the royal superior president of the province of Westphalia, eventually competent in the first instance for such a complaint, or to the royal minister of the interior, and the only request of any nature made by Bäumer in the course of the whole affair at once met with full consideration.

As regards the admissibility of this measure of expulsion itself, the royal government at Münster adopted it in the exercise of its constitutional competence.

Every sovereign state is entitled, under international law principles, from actuating motives of internal state police or state policy, to refuse to foreigners the privilege of sojourn. A renunciation of this right is, as has been pointed out by this government on former occasions, nowhere contained in the treaty of February 22, 1868. This right may therefore be exercised without detriment to that treaty, as well by North America against every German, and by this government against every North American citizen, in the same manner as against persons of all other foreign nationalities, in case there exist for its exercise a particular motive of the character above indicated.

To judge of the sufficiency of these motives in a concrete case appertains to the constitutionally-appointed organs for such purpose of the particular state engaged in the exercise of this its sovereign state right. This state organ is in Prussia, in the first instance, the particular royal government, or, as may be, the Landdrostei, and was therefore in the present case of the royal government at Münster.

The decision of this latter tribunal was especially influenced by the circumstance that in the city of Münster particularly, for some years past, a not inconsiderable number of persons liable to military duty who had been discharged from German and had acquired a foreign and particularly also a North American nationality, had returned to reside permanently. In view of the fact that this false state of things, which had become a general annoyance and a danger to public order, required there a more severe application of the right of expulsion, the said government saw particular reasons for a non-indulgent course toward Bäumer also, and consequently decreed his expulsion. It is to be regretted that Bäumer did not complain of this expulsion either to the appropriate internal authorities or to the imperial government, through the mediation of the envoy of the United States. The undersigned does not hesitate to declare that, on the basis of such a complaint, the decree in question of the royal government at Münster, although its legality is beyond question, would have been canceled, in view of the circumstance that in the decision of the case by the higher authorities the existing considerations of a local nature would have been subordinated to the general points of view involved. And in view of this circumstance the royal minister of the interior gladly holds himself in readiness to direct that Bäumer, in case he should return to Prussia, be permitted to sojourn for the period of two years on Prussian territory, in so far as other and different valid reasons for the prohibition of such sojourn than those indicated by the royal government at Münster are not made to appear.

Moreover, the undersigned will take care that in future, in the treatment of similar cases, the general points of view established by the imperial government shall also receive full consideration at the hands of the local authorities.

On the other hand, the undersigned cannot recognize an obligation to replace the damages incurred, as alleged by Bäumer, through the action of the royal government at Münster, for this reason, if for no other, that this tribunal, as already shown, acted within its competence, not exceeding its powers. A sufficient foundation for such a claim would also be wanting, for the reason that Bäumer, at as early a period as November, 1877, before there was any question of his expulsion, had declared in a communication to the royal government at Münster that it was his intention, as he had a business of his own in Chicago, to visit his parents until the spring only; and also for the reason that he voluntarily made no use of the permission accorded him for a further sojourn until the middle of February following.

The undersigned also avails himself of this occasion to renew, &c.

V. PHILIPSBORN.

No. 156.

*Mr. Taylor to Mr. Eratts.*

No. 37.]

LEGATION OF THE UNITED STATES,  
Berlin, August 7, 1878. (Received August 29.)

SIR: Referring to my dispatch No. 20, communicating the decision of the imperial government in the case of Carl Ganzenmüller, and my own

protest against the principle therein involved, together with my dispatch No. 25, reporting a private conversation with Mr. von Bülow, minister of foreign affairs, upon the same subject, I have now the honor to inform you that I have received a communication from the foreign office, a copy and translation of which I herewith forward (inclosure 1), which terminates the case in an unexpected manner.

In his correspondence with this legation, claiming its intervention with the imperial government in his behalf, the said Ganzenmüller was more than emphatic in his declarations of *bona fide* American citizenship, and his intention shortly to return to the land of his adoption. As a specimen of his manner of writing, the last letter received from him is appended (inclosure 2). It is dated on the 12th of June, and it now appears that on the 13th he made application to the authorities of Baden to resume his former citizenship in that state, thus confirming the ground assumed by them in justification of their former action, that he never intended to return to the United States.

It will readily be perceived that this action of Ganzenmüller is directly prejudicial to all cases of prolonged residence on the part of naturalized citizens. A further and very unnecessary difficulty is often created by the latter in refusing to declare in advance the probable term of their stay when asked to do so by the local authorities. The case of Gustav Weil, also mentioned in my dispatch No. 20, proves to have been directly occasioned by such refusal; but I am glad to state that it has been favorably settled. The experience of this legation includes so many instances of ignorant and overweening assumption of rights, that a certain amount of indiscretion, to use no stronger term, may be reasonably inferred in at least half the cases where an appeal is made for official intervention. Within the past fortnight a German-American forwarded the evidences of his citizenship accompanied by the bitter complaint that he was not allowed to vote at the election on the 30th ultimo; another, who has been residing for several years at Lübeck, demanded to be exempted from the sanitary law requiring the vaccination of his child; and a third requested the legation to divorce him from his wife! In another instance a man of property in this capital, who acquired American citizenship in order to avoid military duty, and never intends to return to the United States, forwarded a gross attack upon the legation, of which he was the author (printed in a German paper of New York) the day before calling to claim its assistance.

In view of the prevailing political agitation in Germany, and the increased tendency toward repressive measures on the part of the government, it would be well if naturalized citizens contemplating a visit to their former homes were officially advised that many possible annoyances may be avoided by declaring the probable term of their stay to the local German authorities on arriving, by abstaining from irritating political discussions, and by quietly obeying such municipal laws and regulations as apply to temporary as well as permanent residents. If this course were generally followed it would not only relieve the legation of much unnecessary investigation, but would also enable it to decide more intelligently and justly in regard to cases requiring official intervention. It may be charitably presumed that a considerable amount of the offenses are ignorantly committed, through the lack of that thorough political education which restrains most native-born American citizens visiting Europe from coming into conflict with the local authorities.

I have, &c.,

BAYARD TAYLOR.

[Inclosure 1 in No. 37.—Translation.]

*Mr. von Philipsborn to Mr. Taylor.*

FOREIGN OFFICE, BERLIN, August 3, 1878.

SIR: The envoy extraordinary and minister plenipotentiary of the United States of America, Mr. Bayard Taylor, will have been so good as to have perceived from our note of the 28th of June last, intended as a preliminary reply to the esteemed note of the 14th of the same month concerning the expulsion of Karl Ganzenmüller by the Baden authorities, that the case has been brought to the knowledge of the Grand Ducal Baden State Government.

The matter has in the mean time, pursuant to a communication from the latter government, been disposed of by the readoption into Grand Ducal Baden citizenship of Ganzenmüller on the 13th of June last, at his own request.

Hence the assumption of the Grand Ducal Government, which found expression in the inclosure of our note of the 11th of June last, that Ganzenmüller had returned to his native country not for a mere temporary but for a permanent residence, may be held to have received its full confirmation.

The undersigned avails himself, also, of this occasion to renew to Mr. Bayard Taylor the assurance of his most distinguished consideration.

v. PHILIPSBORN.

[Inclosure 2 in No. 37.]

*Mr. Ganzenmüller to the legation of the United States.*

SINSHEIM, June 12, 1878.

To the LEGATION OF THE UNITED STATES, Berlin :

In answer to the letter of the honorable legation, I have the honor to inform it that the consul from Mannheim, Mr. Smith, has been to Sinsheim, and has spoken to the officer here in regard to my case of expulsion; but the only thing, I was told by the consul, for me to do was to write a petition, begging the authorities to let me stay here three months longer, but it would be very doubtful if the prayer would do any good, although he has offered to take it to Carlsruhe himself.

Now, in the first place a time of three months would be of no use to me, and in the second place I do not like to beg where I am quite positive, that I have a right to stay here as long as I please, although Mr. Smith does not see it, and dont seem to care much about it, as I had been at his office when I had the first direction that I was to go to the army or leave, and he then simply told me that he was sorry, but he could not do anything, and the best thing I could do, was to leave.

The treaty that was made with Baden in 1869, and of wick I sent a copy to the legation, was never recalled, and a treaty is a law, and if Baden dont keep their laws it is no one's business; but if they don't keep the treaty with the United States, and the United States do not care about it, I do not see why such treaties are made, nor do I see what is the advantage of becoming a citizen of the United States. This case should have been laid before the Baden and not the German Government, as it is a gross breach of the treaty of 1869 on the side of Baden. The coming here of Mr. Smith was quite useless as far as I am concerned; he had, as you thought the case of that Jew more important, done something for him, and he is the very one, that has made the decision of the Staats Ministerium so unfavorable for me, as his case was laid before that authority with mine, and he had been saucy and insolent to the authorities here, and was fined 20 marks for contempt of court, wick may have been reported to the ministry of state by sending the cases here for decision. Moreover it is just customary for the Jews around here to send their sons away to evade military duty, while I could proof through the city council here, or any inhabitant, that I did not leave for that purpose.

However this may be, if a citizen of the United States, instead of being allowed to stay unmolested in any country, is being transported out of the country like a criminal kicked out like a dog, and the treaties with the United States sneered at, and the Americans are not able to interfere, I don't wonder if people here have very queer notions about the ability of our statesmen.

I shall wait here two days yet, and if the time is run off and I cannot effect a prolongation myself, I suppose I have to clear out, as the time will be likely too short for you to do anything more.

Respectfully,

CHS. GANZENMÜLLER.

No. 157.

*Mr. Taylor to Mr. Evarts.*

No. 42.]

LEGATION OF THE UNITED STATES,  
*Berlin, September 27, 1878. (Received October 18, 1878.)*

SIR: I have awaited the return of Mr. von Bülow, imperial minister of foreign affairs, before communicating further with the German Government in regard to the principle involved in the decision returned to me by Mr. von Radowitz, and reported to you in my dispatch No. 38. Day before yesterday I had an interview with the minister, not only for the purpose of calling his attention to this case, but also with the desire of procuring through his aid a more careful observance of the stipulations of the treaty of 1868 on the part of the local authorities throughout the empire.

From the tenor of my former dispatches, it will be already evident to you that the present disturbed political condition of Germany has greatly increased the number of the cases where the aid of this legation has been necessarily invoked by naturalized Americans of German birth revisiting their former homes; and unfortunately, as I have also endeavored to make clear, the settlement of just claims is often prejudiced by the presentation of others which are wholly unwarrantable. I have not allowed the latter in any manner to interfere with my advocacy of the former, but where, as frequently occurs, both come before the same authorities, it is difficult to secure a strictly judicial and therefore impartial treatment. I first showed Mr. von Bülow the advice contained in my dispatch No. 37 and published by the Department of State, which, based upon the experience of the last four months, I consider necessary, in order to avoid possible causes of trouble or loss, saying to him that it was most desirable that the number of such cases should be diminished rather than that they should increase so rapidly as at present. I asked that he should now contribute his share toward their diminution, informing him that many cases, and some of them flagrant violations of the treaty, did not reach his knowledge, because the first appeal to the legation proved to be efficacious; but that in others the copy of the ministerial decrees of July, 1868, forwarded under my official seal, was disregarded.

The treaty, I further claimed, must of necessity be accepted as a law of the German Empire; it was paramount to all local or separate state laws, and we had the clearest right to ask that the decisions of the magistrate should in every case be in accordance with its provisions.

Mr. von Bülow assented to this in the heartiest and most friendly way, and assured me, as he had before done, that the government had no complaint to make in regard to the terms of the treaty, and would, as a matter of course, act in conformity with it. Referring to my letter to Mr. von Radowitz (inclosure to dispatch No. 38), I stated that the whole question at issue had been referred to your consideration, and that I need not repeat personally the views I had already expressed. I called his attention, however, to the fact that the sudden revival of the passport system, as a part of the stringent policy recently adopted by the imperial government, had been made very annoying to Americans temporarily resident in Berlin, for the nationality of many of whom I had been obliged to make myself personally responsible. I am glad to state, in connection with this matter, that all violence or loss has been in every case happily prevented. The former strictness of the police authorities here is now much relaxed, and I do not anticipate any further difficulty.

The unusual number of cases in which naturalized German American citizens are concerned this summer is partly owing, as I have stated, to the present political situation, and partly to the return of emigrants who went to the United States after the war of 1870-'71. The latter, many of whom were actuated by purely personal and selfish motives, create the greatest trouble, by casting suspicion upon those who have heartily and sincerely become American citizens. When the sons of German families here unblushingly come to the American legation to inquire if exactly five years' residence in America will secure to them protection as American citizens *here* during the remainder of their lives, and their children after them, it will easily be understood that naturalization in form is not always equivalent to naturalization in fact. The provision expressed in article 4 of the treaty of 1868 seems to have been intended as a test of such cases, and I shall most strenuously insist on its observance; yet, on the other hand, I shall not allow the high and honorable title of an American citizen to be made a matter of merchandise.

My interview with Mr. von Bülow was wholly friendly in its character. I am satisfied that he coincided with me in a sincere desire for the observance of every stipulation of the treaty, and will take such steps to that end as may be possible in the present rather confused condition of affairs. There are now only five cases pending, and I esteem it as a favorable sign that nothing further has been heard from the later claims for protection, after it has been promised by the legation and the necessary papers forwarded. I will hope that the present summer, in this respect, is exceptional, and that, with an increasing sense of order and security, the unnecessary suspicion, which has been more or less extended to all foreigners, will also cease.

Once more taking the liberty of asking for an expression of an opinion which may confirm or correct my action,

I have, &c.,

BAYARD TAYLOR.

No. 158.

*Mr. Evarts to Mr. Taylor.*

No. 29.]

DEPARTMENT OF STATE,  
Washington, October 19, 1878.

SIR: Your dispatch of the 5th July last (No. 28), in relation to the case of Mr. Willimek, has been received.

The department has received with satisfaction the information conveyed by you in relation to the course pursued by the Imperial Government of Germany with regard to naturalized German-Americans who may have occasion to revisit their native country. The substance of that information has been communicated to Mr. Willimek, who will no doubt avail himself of the immunity thus secured to him by the generous policy of the German Government.

I am, &c.,

WM. M. EVARTS.



No. 159.

*Mr. von Schlözer to Mr. Erarts.*

[Translation.]

IMPERIAL GERMAN LEGATION,  
Washington, April 8, 1878.

SIR: In the appendix to the papers relating to the foreign relations of the United States of last year, in addition to the two circulars issued by you in July and August, to your consular officers, the commercial reports furnished by those officers in obedience thereto are printed.

These documents have probably nowhere attracted more attention than in Germany. Their value has been generally recognized there, and in consequence of those reports, more earnest efforts have been made than before to ascertain what can be done by the United States and Germany to increase the trade between the two countries.

In the course of these investigations a circumstance has been found to exist which is very prejudicial to the development of German-American commerce, and which, consequently, gives rise to much complaint in German commercial and manufacturing circles. This is the system adopted by some American consulates in Germany on requiring samples of merchandise to be deposited with them prior to certifying the invoices.

The regulations prescribed for the use of the consular service of the United States for the year 1874 contain (§ 473) the following directions:

"They will, *in all proper cases*, require samples of the merchandise to be deposited with them, especially when the invoice descriptions of merchandise are not *specific and full enough* to enable them or the customs officers to judge intelligently of the market value without inspection of the merchandise itself. It is particularly enjoined upon consular officers at Aix-la-Chapelle, Berlin, Leipsic, Dresden, and Frankfort, *generally* to require samples of all merchandise imported from there of a nature to be sampled."

These regulations afford various facilities, as regards the requirement of samples, which would be very advantageous to commerce if they were always complied with.

Certain American consulates in Germany, however—for instance, in the Rhine countries—constantly insist, under all circumstances, that the most accurate samples shall be delivered to them of every single variety of goods that are to be sent to the United States, even if the invoice description is "*specific and full enough*." These articles are often of precisely the same quality as regards value, and differ only in color, style, width, length, and similar matters which do not affect their value in the slightest degree; nevertheless, the shippers are obliged to furnish samples of every such variety.

This requirement causes them great trouble and inconvenience, to which must be added another circumstance, possessing no less objectionable features.

In section 475 of the regulations, the direction is given that "all samples must be carefully preserved, with the cards or statements accompanying them, and must not be suffered to be inspected or seen by others than officers or agents of the government."

Notwithstanding this regulation, repeated complaints have been made to the Imperial Government that the samples deposited by manufacturers with their invoices are frequently left open at several American

consulates, where they can be seen and examined by visitors without molestation.

Persons engaged in the same business thus have an opportunity, by calling at the consulate, to become thoroughly acquainted, in a very short time, with the most important secrets of their competitors, and at once to imitate every novelty invented by the latter.

With a view to remedying these evils, I have been instructed by my government very respectfully to submit the question to you, esteemed Mr. Secretary of State, in the interest of our commercial relations, whether it would not be possible to instruct your consuls in Germany, 1st, to *require no deposit of samples* in all cases in which they have no reason to doubt the correctness of the invoices, or the credibility of the declarers; 2d, in case the requirement of samples seems necessary, to content themselves with *one* sample for each kind of goods whose value is the same; and, 3d, not to allow such samples to remain exposed to the view of the public, and especially of the competitors of the manufacturers and merchants interested.

I should feel exceedingly obliged to you if you would be pleased to take these three points into consideration, and, in due time, to honor me with a reply.

Accept, &c.,

SCHLÖZER.

No. 160.

*Mr. Sevard to Mr. von Schlozer.*

DEPARTMENT OF STATE,  
Washington, May 1, 1878.

SIR: Referring to your note of the 8th ultimo, in relation to the requirement by certain United States consuls in Germany of samples of all goods exported to this country, I have now the honor to inclose a copy of a letter of the 26th of April last upon the subject, which has been received from the Secretary of the Treasury.

It is proper to state that those consuls have been directed to comply strictly with the instructions forbidding the exposure of samples to the observation of competitors.

Accept, &c.,

F. W. SEWARD,  
*Acting Secretary.*

[Inclosure.]

*Mr. Sherman to Mr. Erarts.*

SIR: I have the honor to acknowledge the receipt of your letter dated the 16th instant, transmitting a copy of a communication of the 8th instant from the German minister, in which he states that certain American consulates in Germany "constantly insist under all circumstances that the most accurate samples shall be delivered to them of every single variety of goods that are to be sent to the United States."

The minister remarks that this requirement causes the shippers great trouble and inconvenience.

In reply to your request for an expression of the views of this department whether the samples should be required in all cases, I beg leave to state that, as you were advised in this department's letter, dated July 21, 1877, if goods to be imported consist of standard articles of uniform character well known to the trade it will be sufficient

to occasionally obtain and forward samples thereof in connection with shipments to any particular port in the United States, as representing such class of goods and to note the fact upon other invoices of the same description of merchandise sent to the same port.

The instructions upon the subject are explained in the circular to consular officers signed by Mr. Cadwallader July 10, 1876, and require the forwarding only of such samples as are usually deposited in the consulate under the requirements of article 473 of the consular regulations. Neither do they require that articles of considerable bulk, or of a frangible nature, should be forwarded; and the circular provides that in case of doubt whether a sample ought to be transmitted to the customs officers the decision of the question may be left to the consul.

The samples forwarded by the consuls are of value to the appraising officers in determining the proper classifications and dutiable value of imported merchandise, and this department is of opinion that the regulations upon the subject now in force can be observed without undue embarrassment to trade.

In view of the facts stated by the minister it is suggested that the attention of the consuls referred to be invited to the instructions above cited.

Very respectfully,

JOHN SHERMAN, *Secretary.*

No. 161.

*Mr. von Schlözer to Mr. Evarts.*

IMPERIAL GERMAN LEGATION,  
*Washington, October 18, 1878. (Received October 19.)*

SIR: His Majesty the Emperor of Germany has sent to me 3,000 marks as relief for the suffering German people in the yellow-fever districts. I therefore inclose herewith \$705, and beg you, respectfully, to be kind enough to cause the distribution of this money among such sufferers.

Accept, &c.,

SCHLÖZER.

No. 162.

*Mr. Evarts to Mr. von Schlözer.*

DEPARTMENT OF STATE,  
*Washington, October 19, 1878.*

SIR: I have the honor to acknowledge the receipt of your note of the 18th instant, in which you transmit the sum of 3,000 marks (\$705), which has been sent to you by His Majesty the Emperor of Germany for distribution among the suffering German people in the yellow-fever districts.

It is unnecessary to observe that the people of the United States will fully appreciate the benevolence of His Majesty.

Informing you that the sum will be distributed in accordance with His Majesty's desires, and requesting that you will cause to be conveyed to the Emperor the sincerest thanks in the name of the President for his generous gift, I avail, &c.,

WM. M. EVARTS.

## GREAT BRITAIN.

No. 163.

*Mr. Pierrepont to Mr. Evarts.*

No. 238.]

LEGATION OF THE UNITED STATES,  
*London, October 25, 1877. (Received November 7.)*

SIR: I have finally concluded a trade-mark convention with the Earl of Derby, excluding all the objectionable words about which I wrote in my dispatch No. 191. The convention was signed in duplicate yesterday at half past three o'clock at the foreign office, and I forward the same herewith to-day.

I have, &amp;c.

EDWARDS PIERREPONT.

No. 164.

*Mr. Evarts to Mr. Pierrepont.*

No. 212.]

DEPARTMENT OF STATE,  
*Washington, October 26, 1877.*

SIR: I am in receipt of a note, dated the 20th instant, from Her Britannic Majesty's chargé d'affaires ad interim at this capital, informing me that he has been instructed by the Earl of Derby to invite the Government of the United States to take part in the international telegraphic conference which will meet in London on the 1st of July, 1878.

The last meeting of this administrative conference was held at St. Petersburg in 1875, and although the invitation to the United States to be represented on that occasion was at first declined, on the ground that the telegraphic lines in this country were managed by private individuals, and consequently not controlled by the government, it was finally determined, in view of the very earnest desire of the Russian Government that the United States should participate, to authorize Mr. Eugene Schuyler, chargé d'affaires ad interim at St. Petersburg, to be present at the conference, but not to commit this government to any policy which that body might adopt on the subject. There appears to be no reason for departing, in the present instance, from the attitude then assumed; and you are consequently authorized, in the same sense as was Mr. Schuyler on the former occasion, to be present at the conference for the purpose of observing its proceedings, but will be careful not to commit the United States to any declarations or line of policy.

I am, &amp;c.,

WM. M. EVARTS.

No. 165.

*Mr. Pierrepont to Mr. Evarts.*

No. 252.]

LEGATION OF THE UNITED STATES,  
*London, November 15, 1877. (Received December 7.)*

SIR: Referring to your letter of the 11th of July last, introducing Mr. D. B. Eaton as chairman of the civil-service commission, and handed to

me in person by that gentleman, I have now the honor to inclose to you a copy of a communication addressed to Lord Tenterden by the lords commissioners of the treasury, which is in answer to some inquiries of Mr. Eaton respecting the civil service of Great Britain. I also inclose a copy of Lord Derby's note, transmitting the same to me.

I have, &c.,

EDWARDS PIERREPONT.

[Inclosure in No. 252.]

*Lord Derby to Mr. Pierrepont.*

FOREIGN OFFICE, November 5, 1877.

SIR: With reference to your letter of the 10th of September last, I have the honor to transmit herewith a copy of a letter which I have received from the lords commissioners of Her Majesty's treasury, on the subject of the information that Mr. Eaton is desirous of obtaining, respecting the civil service of the Crown.

I have the honor to be, &c.,

DERBY.

Hon. EDWARDS PIERREPONT, *ſc.*, *ſc.*, *ſc.*

[Inclosure to inclosure in No. 252.]

*Lords commissioners of the treasury to Lord Tenterden.*

TREASURY CHAMBERS, October 30, 1877.

MY LORD: In reply to your lordship's letter of the 20th ultimo, inclosing a copy of a letter from Mr. Eaton, an American citizen lately on a visit to this country, who has been charged by the President of the United States to draw up a report on the civil service of the Crown, I am directed by the lords commissioners of Her Majesty's treasury, in the first place, to furnish your lordship, for the information of the Secretary of State, with a copy of a letter, dated 25th August last, from the American minister in this country, introducing Mr. Eaton to the permanent secretary of the treasury. The permanent secretary of the treasury was absent from London when Mr. Eaton called, but he saw the acting secretary, from whom he received, in answer to his questions, all the information which could be given.

It is scarcely needful to state that my lords are desirous, by every means in their power, to assist the President of the United States in any inquiry which the Secretary of State may see fit to forward to the treasury, and it would not be difficult in this case to furnish Mr. Eaton with documents sufficient to show him both what has been done in this country on the subject of his commission, and also the reasons for doing it. This, however, as will be seen from his letter, is not what he appears to desire, and the questions which he proposes are so largely matter of political opinion that it is very difficult to know what official answer to give to them, beyond saying that successive governments have been led in recent years upon a balance of reasons to decide upon substituting competitive examinations for patronage as the rule of admission into the greater part of the public service.

The change is still in progress. The limitations and conditions under which the principle of competition ought to be applied cannot be said to have been placed beyond discussion. And sufficient time has not yet elapsed to afford complete experience of the result in all its bearings.

It may, however, be said that, be the answers to the questions 2-5 what they may be, there can be no doubt, in replying to the questions 1 and 6, that the reputation of the public service for morality, or, as we should say, its honor, is never likely to stand higher than it has stood at any time during the last forty or fifty years, and that no breath of complaint in this respect has had anything to do with the recent changes, but has been on all occasions most carefully disavowed by those who for other reasons have favored such changes. No practical difficulty, so far as my lords are aware, has been experienced in commanding from time to time the loyal service of the permanent servants of the Crown to execute the policy determined by Her Majesty's advisers in all the departments of the state.

The questions proposed appear to my lords to be such as could only be answered by politicians in a parliamentary debate.

Perhaps the practical permanence of the tenure (although legally at pleasure) on which civil servants in this country hold their appointments is quite as well deserving

of attention on the part of foreigners as the rules according to which civil servants are admitted; but this is not a new principle of our system.

My lords think that Mr. Eaton's attention might, perhaps, be usefully drawn to the reports of various committees of inquiry into public offices, which were begun by the present chancellor of the exchequer and Sir C. Trevelyan, in 1853, to the more recent reports of Mr. Playfair's commission, and to the annual reports of the civil-service commissioners. Such of these documents as are not out of print can be obtained from the stationery office on the requisition of the secretary of state.

The competitive principle has been adopted, perhaps, more completely in the Indian than in any other great service; and although the experience of India may not be altogether applicable to countries directly under representative government, yet my lords think it likely that Mr. Eaton might obtain much valuable information and advice from Indian administrators, to whom the secretary of state for India might introduce him.

I am, &c.,

R. R. W. LINGEN.

No. 166.

*Mr. Pierrepont to Mr. Evarts.*

No. 264.]

LEGATION OF THE UNITED STATES,  
London, December 5, 1877. (Received December 21.)

SIR: I send you, inclosed, the leading editorial in the London Times of this date. It truly expresses a very large British sentiment and opinion upon the Eastern question.

I have, &c.,

EDWARDS PIERREPONT.

[Inclosure in No. 264.]

*Editorial on the Eastern question from the London Times, London, Wednesday, December 5, 1877.*

One of the most vehement complaints made by the partisans of Turkey is that she is deserted by the whole of Europe. The accusation is true in a very important sense, for on the continent she has not a single active friend, and, what is still more menacing, she has more than one active enemy. Russia may have done much to bring about, or at least to hasten, the present war; but whatever her guilt may be, it is condoned by continental nations. Germany is so strongly on the side of the invaders that, if she were less powerful, or Turkey less weak, some energetic remonstrances might be addressed to Berlin. Partially, no doubt, this sympathy springs from an alliance from the courts, begun, in a political sense, when Prince Bismarck was ambassador at St. Petersburg. The union became closer during the Franco-German war, when Russia allowed it to be understood that the entry of Austrian troops into the field would give the signal for the entry of her own. In some degree, therefore, the present behavior of Germany may be intended to repay a debt. But such a statesman as Prince Bismarck would not allow his gratitude to carry him to a Quixotic length. He is altogether free from the influence of mere sentiment; and, as he could have at least postponed the present war by a firm opposition, he would not have allowed it to break out if he had believed that it would give a shock to the permanently pacific influences of the continent. So far-seeing a man would not have sought to break the remaining strength of Turkey if he had thought that she had within herself elements of stability. But it is a sheer impossibility that such a belief should enter into a mind like his. Ever since he turned his attention to diplomacy he must have seen what must be the future course and the end of a state like the Porte. His own countrymen, also, are better fitted than any other people to read a lesson which is written over the whole page of modern history. They are second to none in their perception of general principles; they have studied history more closely than any other nation; and to any one who adds competent knowledge to this power of seeing the general current of human affairs, nothing in the future can be clearer than the course of events which will transform the Ottoman Empire. No nation would be less prone than the Germans to resist the addition of another link to a process of change which began centuries ago,

and the end of which is already among the commonplaces of historical prediction. They would rather tend to welcome the first favorable opportunity of removing permanent causes of disquiet. Prince Bismarck found a tacit support from his countrymen when he did not use his power to hold Russia back. It would be easy to find smaller motives which will seem all-sufficient to the class of minds which are fond of explaining every important event by petty personal intrigues, but it is wiser to assume that in political as in natural operations great results must have great causes.

When we come to France we see much more apathy. Her own grievous perils at home have prevented the usual display of her fondness for diplomatic influence. The fear of Germany has also helped to keep her quiet. But, so far as she has spoken, it has certainly not been in favor of the Ottoman Empire. Indeed, her part in the Crimean war was an incongruous episode, due to the wish of Napoleon III to get into the good society of his brother sovereigns, rather than to the general principles of French policy. Those principles were better seen in the support which France gave to Mehemit Ali at the risk of a war with England. Even Napoleon III, after he fancied that he had made his throne stable, returned to the traditional policy of his country by sending an armed expedition to Syria. Now, as in former times, French statesmen have assumed that the Ottoman Empire has not the elements of improvement within itself. They have, therefore, spoken no word against Russian aggression. Turning to Italy, we find that she has been much less reticent in her hostility to Turkey, and perhaps her attitude has not been so worthy as that of some other states. A weak and struggling nation, Italy has a keen eye for the detection of the forces which are shaping the future of Europe. She knows that the military center of gravity will for a long time be at Berlin. She knows that the hope of effecting Turkish regeneration by Turkish instruments is the vainest of delusions; and she seeks to secure herself in any rearrangement of territory or power. Enemies of Italy will see in such a policy the instincts which guided her mediæval republics, and which the greatest of her political philosophers fashioned into a system. But at least the countrymen of Machiavelli have never been devoid of shrewdness, and their conduct may be taken as a prediction of general results. The Italians are free from the chivalry which has an instinctive liking for lost causes. If Austria has seemed to be more hesitating than the other continental states, it is only because Hungary has held her back. The Hungarians are still in that state of mental development which permits passion to hide the plainest facts, and their master passion is hatred of Russia. They have good reason to detest her. They cannot be expected to draw nice distinctions between the Russia which put down their own insurrection and the Russia of the present day. It is only natural that they should be grateful for the protection which Turkey gave to their own exiles. But it is surprising that a Hungarian of such capacity as Kossuth could expect to influence Europe by the string of irrelevant exclamations which he has contributed to a monthly magazine, and specimens of which we published on Monday. He mistakes the interests of his own country, which are not at all identical with those of Turkey, and his policy had never the slightest chance of guiding the statesmen of Vienna. The German part of the Austrian nationality are in all probability of the same mind as their brethren of the German Empire. The Slavs, who are destined to become a more and more important element of the Emperor Francis Joseph's power, are strongly on the side of the Bulgarians. The military leaders of the court, if they had their own way, would have given Russia something like open aid; for they at least are inclined to agree with more than one continental statesman that Austria must find the materials of her future strength in the East rather than in the West.

Throughout the continent, meanwhile, many appeals have been made on behalf of Turkey. An active minority in all the great states has declared that she ought to be supported for the common good of Europe. But that minority has also been careful to add that the requisite help must come from England alone. Germany, we are told, can do nothing, because she is afraid of France; France can do nothing, because she is afraid of Germany; Italy can do nothing, because she must attend to her own affairs; and Austria is made powerless by her conflicting nationalities. Hence England is invited, by the warlike agitators, to do what is regarded as the common work of all. But England is no more inclined than France or Austria to plunge into a hopeless enterprise. Nor, even if she were, have the partisans of intervention among us taken the best means to secure continental alliances. They have said in a thousand forms that we ought to think of nothing but our own "interests." For the sake of "British interests," one of our own ambassadors had said, that Turkey must be upheld in spite of the horrors of Batak. "British interests" must override the largest considerations of political expediency and moral equity. If that were true, it would be well to cover the fact with a decent hypocrisy, instead of daunting it in the face of Europe. Such reckless parading of "British interests" explains the preposterous belief of continental peoples that the foreign policy of England is usually guided by cynical selfishness. Happily it is not true that the real interests of England are bound up with the maintenance of intolerable wrong and of an impossible administrative

system. No country has a more vital interest in such a settlement as will secure peace in Turkey, by permitting the growing nationalities and religions to emancipate themselves from the grasp of a barbarous and decaying caste. But the general interests of peace might suffer if the war were to be waged until the whole fabric of Ottoman authority in Europe should collapse in the shock of this one contest. Yet such is the peril which must be faced if the Turks be encouraged to resist much longer. Let Plevna fall, let the war roll to the south of the Balkans, and a far more dangerous element of disturbance than the Slavonic subjects of the Porte will be brought into the field. The sending of a Russian army corps toward Epirus and Thessaly would give the opportunity for which the Greeks have been impatiently waiting ever since their war of liberation. They hate the Turkish rule with a passion of which the more sluggish Bulgarians are incapable. Intellectual pride, it may be intellectual vanity, impels them as much as political ambition to escape from the old domination; and even those Greeks who are the brain of the Ottoman Empire would be the first to turn against the Turks if they saw that their race could at last seize what they believe to be its heritage. Thus, if the war continue, and new populations be brought within the scope of its influence, the result may easily be the reduction of the Ottoman Empire, in Europe, to Constantinople and an adjoining province. Those people who, in the name of British or of continental interests, encourage the Turks to continue the combat are really luring them on to destruction. British interests, if they mean anything at all, ought to make us constantly and emphatically warn the Turks that they will not receive the slightest aid from England.

No. 167.

*Mr. Pierrepont to Mr. Erarts.*

No. 271.]

LEGATION OF THE UNITED STATES,  
*London, December 22, 1877. (Received January 7, 1878.)*

SIR: On the 11th instant Mr. Welsh arrived at Liverpool, and on the evening of the 12th he reached London, where I met him at the station and took him in my carriage to his hotel.

I had duly arranged, through the minister of foreign affairs, that his baggage, &c., should be passed without delay.

On the 14th I presented him in due form to Lord Derby, and through his lordship the Queen signified her readiness to grant an audience at Windsor Castle on the afternoon of the 22d day of December.

Mr. Welsh and myself accordingly proceeded to Windsor and had an audience with Her Majesty, at which I took formal leave and Mr. Welsh was formally presented as my successor, and will assume his official duties to-morrow.

Mr. Welsh has been most warmly received, and the friendly relations between the two countries were never before so cordial. I have done what I could to secure that result, using the means which seemed to me best adapted to that end.

Our financial credit was exceedingly good and growing better, until a shadow fell from the specter of repudiation. I trust it is the shadow of a specter only.

No disguise under cover of a statute which proposes to pay a silver dollar where a gold one was promised or implied will be regarded other than a fraud. Any such course must tarnish our honor and damage our prosperity.

The greatness of England is largely due to her unshaken credit; it is so firm that when gold flows out, in a very short time they can fill their vaults again by raising the rate of interest. The world knows that the principal and interest will be paid according to the implied contract.

The damage in preventing the negotiation of our bonds at a low rate



of interest would be ten times greater than the temporary gain by any trick of bad faith.

To cover the fraud by a statute, and then say that it is lawful, does not help the matter in the least, but only deepens the disgrace. Untarnished credit is the life of a commercial nation, and without it no state can have continued prosperity.

The nations of Europe watch with interest to see whether "the Great Republic" will keep its faith and increase its credit, or sacrifice its good name and its future greatness for an apparent temporary gain which is purely delusive.

The enemies of popular government have a theory that delicate honor and commercial integrity soon perish in a democracy, and they will jeer and rejoice if we, ourselves, prove the truth of their theory. I believe we shall prove the contrary.

I hope to report to you in person early in February, and with thanks for your many courtesies, I close my last dispatch, and have the honor to be, &c.,

EDWARDS PIERREPONT.

No. 168.

*Mr. Welsh to Mr. Erarts.*

No. 20.]

LEGATION OF THE UNITED STATES,  
*London, January 18, 1878. (Received February 2.)*

SIR: I attended the opening of Parliament yesterday and heard Her Majesty's speech, as it was read by the Lord Chancellor. I have since received a copy of it from Lord Derby, which I beg to inclose, together with extracts from the Times and News, containing the addresses of the leading members of both houses of Parliament on the occasion.

I have, &c.,

JOHN WELSH.

[Inclosure in No. 20.]

#### OPENING OF PARLIAMENT.

Although the Queen did not open Parliament in person, there was a very large attendance at Westminster to witness the assembling of members of the two houses. The formal opening at two o'clock gave little opportunity for any manifestation of public feeling. The best known political personages were either absent from Westminster altogether, or were not seen on their way to the houses of Parliament. At the second meeting of the houses, at four and five o'clock, the case was different. At twenty-five minutes past four Mr. Gladstone, walking alone across New Palace Yard, was followed by a rush of some who recognized him, and raised "three cheers for Mr. Gladstone." Lord Beaconsfield, driving up to the peers' entrance a quarter of an hour later, accompanied by Mr. Montagu Corry, was also cheered; and the Prince of Wales, who arrived at the same place a little after Lord Beaconsfield, was very warmly received. The greater part of the crowd had, however, long before this time departed. Midhat Pasha passed unrecognized to the later sitting, across New Palace Yard and through Westminster Hall. About the same time, and in like manner, there passed in Mr. Lowe, Mr. Goschen, with Dr. Lyon Playfair, Lord Hartington, the Duke of Sutherland, Mr. Gathorne Hardy, Mr. Cross, Mr. Childers, and Mr. W. H. Smith, with Mr. Gerard Noel. When Prince Christian, the Duke of Cambridge, the Princess Mary, and the Duke of Teck arrived at the peers' entrance, there were not enough people left to raise a cheer. The Empress Eugenie, the Prince Imperial, the Duke of Argyll, the Marquis of Salisbury, and his son, also entered in silence. Even at the earlier sitting,

the Duke of Teck, with the young prince, his son, riding by the entrance to New Palace Yard, was unobserved.

The first spectacle which the crowd had to enjoy was the procession of Beef-eaters. In pursuance of a custom which is ancient, but not immemorial, a small detachment of yeomen of the guard marched up to Westminster Hall soon after ten, to search the vaults beneath both houses, lest another Guy Fawkes should lurk there, aided by the new appliances placed at his disposal by modern chemistry. The Beef-eaters wore the ancient dress assigned to the corps by Henry VIII, a scarlet coat of a peculiar make, reaching down to the knees, guarded with black velvet, and badges on the coat before and behind. Their breeches were also scarlet, guarded with black velvet, and instead of hats they wore black velvet caps, round and broad-crowned, with ribbons of the Queen's color. The corps was instituted by Henry VII in 1485, nearly two hundred years before any other regiment that is now in existence was raised; it was, in fact, the only standing force in the kingdom, with the exception of the honorable corps of gentlemen-at-arms. The men are selected for gallantry or good conduct from the non-commissioned officers of the army. The yeomen left again soon after eleven, having accomplished their task. The crowd grew thicker and thicker at the base of the statues of Lord Palmerston and Lord Derby immediately in front of the model of the obelisk. At half past twelve the Lord Chancellor drove down, and soon afterwards members of the House of Commons began to arrive or to pass into the house from the law courts. Toward the House of Peers at this hour it was chiefly ladies and others who had tickets, and not the peers themselves, who passed. Dr. Brady, Mr. Samuda, Sir Charles Russell, Lord Henry Somerset, Mr. Walter, Mr. Fawcett (who was cheered on his way up Westminster Hall), Mr. T. Brassey, Mr. Watkin Williams, Mr. Serjeant Simon, Mr. Arthur Peel, Sir W. Fraser, Mr. S. Morley, Mr. R. J. Buxton, Mr. E. Potter, Sir G. Jenkinson, Mr. Malcolm, Major Custer, Sir H. Havelock, and Mr. Eaton, were among those who were seen to arrive at this early period and gathered in the house or in the lobby. At five minutes past two the gentleman usher of the black rod (Sir William Knollys) passed across the lobby, and immediately afterward returned escorting the speaker. The speaker was followed by a rush of members, who broke the line formed by visitors and officers in the lobby, and bore in with them to the House of Peers some spectators who had not received any invitation to be there.

All the afternoon the neighborhood of Westminster Palace remained crowded, but the police, under Mr. Gernon and Mr. Edis with Inspector Denning, at the entrance to the House of Commons, were easily able to maintain order. Comparatively few remained to witness the meeting for business. Among the early comers who passed without special recognition were Dr. Kenealy, Mr. Biggar, Major O'Gorman, Mr. O'Donnell, Mr. Parnell, Mr. O'Bierne, Mr. O'Connor Power, Sir L. Palk, Sir H. Peek, Lieutenant-Colonel North, Mr. Cremer Clarke, Lieutenant-General Shute, Mr. Chaplin, Mr. Allsopp, Mr. Majendie, and Mr. W. James. The Duke of Somerset, the Marquis of Bath, the Marquis of Lansdowne, Lord Roseberry, the Earl of Suffolk, Lord Shelborne, the Earl of Dudley, an attaché of the Chinese legation, and General Negrette, may also be mentioned among those whose arrival was observed as they passed in to take their places in the gallery or on the floor of the crowded houses, which last night began, amid unusually serious circumstances, their forty-first session during the reign of the Queen.

#### HOUSE OF LORDS, Thursday, January 17.

The royal commissioners took their seats in front of the woollack at two o'clock. They were the Lord Chancellor, the Duke of Richmond and Gordon, the Marquis of Hertford, Earl Beauchamp, and Lord Skelmersdale. There were not more than about thirty peers in the body of the house; but almost the whole of the peers' benches were occupied by ladies. In the strangers' gallery there was a crowded assemblage of ladies and gentlemen.

Immediately the royal commissioners had taken their seats, Sir W. Knollys, gentleman usher of the black rod, was desired to request the attendance of "the Commons." Soon after the Speaker, attended by the black rod and the sergeant-at-arms of the House of Commons, appeared at the bar, closely pressed by a large body of the members of the House of Commons.

The royal commission having been read by Mr. Bethel, one of the clerks at the table—

The Lord Chancellor said: We are commanded to deliver to you Her Majesty's speech in Her Majesty's own words. The noble and learned lord then read the following royal speech:

"MY LORDS AND GENTLEMEN: I have thought fit to assemble you before the usual period of your meeting, in order that you might become acquainted with the efforts I have made to terminate the war now devastating Eastern Europe and Armenia, and that I might have the advice and assistance of my Parliament in the present state of public affairs.

"You are aware that, after having unsuccessfully striven to avert that war, I declared my intention to observe neutrality in a contest which I lamented, but had failed to prevent, so long as the interests of my empire, as defined by my government, were not threatened.

"I expressed, at the same time, my earnest desire to avail myself of any opportunity which might present itself for promoting a peaceful settlement of the questions at issue between the belligerent powers.

"The successes obtained by the Russian arms, both in Europe and Asia, convinced the Porte that it should endeavor to bring to a close hostilities which were causing immense sufferings to its subjects. The government of the Sultan accordingly addressed to the neutral powers, parties to the treaties relating to the Turkish Empire, an appeal for their good offices.

"It did not, however, appear to the majority of the powers thus addressed that they could usefully comply with the request, and they communicated this opinion to the Porte.

"The Porte then determined on making a separate appeal to my government; and I at once agreed to make an inquiry of the Emperor of Russia whether His Imperial Majesty would entertain overtures for peace.

"The Emperor expressed, in reply, his earnest desire for peace, and stated at the same time his opinion as to the course which should be pursued for its attainment.

"Upon this subject communications have taken place between the Governments of Russia and Turkey through my good offices, and I earnestly trust that they may lead to a pacific solution of the points at issue and to a termination of the war. No efforts on my part will be wanting to promote that result.

"Hitherto, so far as the war has proceeded, neither of the belligerents has infringed the conditions on which my neutrality is founded, and I willingly believe that both parties are desirous to respect them, so far as it may be in their power. So long as these conditions are not infringed, my attitude will continue the same. But I cannot conceal from myself that, should hostilities be unfortunately prolonged, some unexpected occurrence may render it incumbent on me to adopt measures of precaution. Such measures could not be effectually taken without adequate preparation, and I trust to the liberality of my Parliament to supply the means which may be required for that purpose.

"Papers on these affairs will be forthwith laid before you.

"My relations with all foreign powers continue to be friendly.

"I am thankful that the terrible famine which has ravaged Southern India is nearly at an end. Strenuous and successful exertions have been made by my local governments to relieve the sufferings of the population, and in that duty they have been powerfully seconded by the liberal aid of my people at home and in my colonies. I have directed that an inquiry should be made into the measures most proper to diminish the danger of such calamities for the future.

"The condition of native affairs in South Africa has of late caused me some anxiety, and has demanded the watchful attention of my government. I have thought it expedient to reinforce my troops in that part of my Empire. I trust that a peaceable and satisfactory settlement of all differences may be shortly obtained.

"GENTLEMEN OF THE HOUSE OF COMMONS: I have directed the estimates of the year to be prepared and presented to you without delay.

"MY LORDS AND GENTLEMEN: A bill will be laid before you upon the subject of county government, and your attention will be again called to the consolidation of the factory law, and to the summary jurisdiction of magistrates.

"You will be asked at an early period of the session to take into your consideration a bill on the subject of cattle disease in this country.

"The question of Scottish roads and bridges, and of endowed schools and hospitals in Scotland, will also be brought before you.

"Your attention will be invited to the subject of intermediate education in Ireland, and to the grand-jury law in that country,

"Among other measures for the amendment of the law a bill will be to simplify and express in one act the whole law and procedure relating to indictable offenses.

"I commend these subjects to your careful consideration, and I pray that the blessing of the Almighty may attend and guide your deliberations."

When the noble and learned lord had concluded the reading of the Queen's speech, the sitting of their lordships' house was at once suspended till five o'clock.

Their lordships reassembled at five o'clock, when there was a very large attendance of peers. Among them were the Prince of Wales, the Duke of Connaught, and the Duke of Cambridge. Every seat in the ladies' gallery was occupied, and among the distinguished personages in the diplomatic gallery was Midhat Pasha, the late Grand Vizier.

No. 169.

*Mr. Welsh to Mr. Erarts.*

No. 32.]

LEGATION OF THE UNITED STATES,  
*London, February 16, 1878. (Received March 2.)*

SIR: I have the honor to inclose a report from the Times of a discussion in the House of Lords, on the 14th instant, upon the question involved in the Franconia case, and beg to ask your attention to a speech by Lord Cairns upon introducing a bill which states the jurisdiction of the Crown over the territorial waters of the empire in a broader sense than that limited by the judgment in the case just mentioned.

I have, &amp;c.,

JOHN WELSH.

[Inclosure in No. 32.]

## TERRITORIAL WATERS OF THE EMPIRE.

[From the London Times of the 15th of February, 1878.]

The lord chancellor arose to call the attention of the house to the question of the jurisdiction of the Crown in the territorial waters of the empire, more especially with reference to the recent case of the Franconia, and to present a bill on the subject. The jurisdiction to which he had to call attention was not over rivers, bays, or harbors, because, in respect of that, no controversy had ever arisen; but the jurisdiction over the territorial waters in that belt or zone of the high seas which more or less surrounded the shores of the empire. This, at first sight, would appear to be a question of law. No doubt it was a question of law, but he rather thought of that which had been described as the first law of nature—the law of self-preservation. It was necessary, to some extent and in some measure, that there should be a territorial jurisdiction over the high seas surrounding the seaboard. No empire which had a seaboard could be allowed to remain without a jurisdiction of that kind. If, in the case of such an empire, it was held that the jurisdiction of the kingdom ended with the dry land, the consequence would be that the subjects of that kingdom in the presence of foreigners would be absolutely without defense from the moment they entered the sea for the purpose of bathing or fishing or for any other purpose. Not only so, but when on dry land they would be without a protection, because, if no jurisdiction from the land extended to the sea surrounding the seaboard, people from all parts of the world might come to the part of the high sea contiguous to the land and resort to practices which might be of the most serious character to people on shore.

So, again, in the case of war, hostilities carried on by belligerents outside the shore might expose a neutral power to the greatest danger. It might be asked whether the question was not solved, so far, at all events, as to the low-water mark to which unquestionably the territorial jurisdiction extended. With regard to the low-water mark it must be remembered that there were parts of the coast where there were considerable intervals between high and low water mark; and, also, that there was in the kingdom, as their lordships knew, many places where the sea came so close to the cliffs that there was absolutely no horizontal interval between high and low water marks. It had been suggested, or might be suggested, that if the jurisdiction of this country extended over the part of the high seas immediately adjoining the shore, inasmuch as the right of passage over that part was allowed to foreign ships, it would be unfair to claim such a jurisdiction against them. He was quite willing to accede the right of passage contended for, but he had imagined that it was to be conceded on this footing and this footing only—that those who availed themselves of the right of passage should not expose themselves to any complaint of a violation of the rights of those by whom the right of passage was conceded. In truth, any such exemption would apply to the case of foreign ships coming into one of our bays. What made it necessary for him to bring this matter under the notice of their lordships was a case of considerable interest—that of the collision between the Franconia and Strathclyde off Dover, by which a number of persons lost their lives. The Franconia was a German ship, and her master was put on his trial for the manslaughter of one of the passengers of the Strathclyde. He was found guilty, and there was no doubt that the case was one of manslaughter according to our law. The case was fully proved, and the jury returned a verdict of guilty. But objection was taken on the trial that the accused master being a foreigner, and he having been on board a foreign ship at the time the alleged offense

was committed, although that ship was then within two miles and a half of our land, there was no jurisdiction in our courts, and the verdict must be quashed. That point came before the court for Crown cases reserved, and there was a difference of opinion on the question between the learned judges. They were thirteen in number. Six of the learned judges thought that the judgment should be maintained, and seven thought that it ought to be quashed. There was a majority of one for the latter view, and the conviction was accordingly quashed. The minority was Lord Chief Justice Coleridge, Lord Justice Brett, Lord Justice Amphlett, Mr. Justice Lindley, Mr. Justice Grove, and Mr. Justice Denman. The majority was the Lord Chief Justice, the Lord Chief Baron, Sir R. Phillimore, Lord Justice Bramwell, Mr. Justice Lush, Baron Pollock, and Mr. Justice Field. It was a peculiarity of our jurisprudence that in such cases the question of law had to be searched for and elicited from expressions used by learned judges in judgments differing from each other and not always in such terms as to state exactly the principle of law which the judges wished to affirm. He would endeavor to explain what he understood to be the main ground of the judgment of the majority of the judges in the *Franconia* case. But before he did so there was an incident which he wished to mention to their lordships. One of the learned judges, for whom they all had the greatest respect, and whose judgment, from his experience in criminal cases, was of the greatest weight—Mr. Justice Lush—stated that though he concurred with the lord chief justice in that learned judge's view of the case, yet he wished to guard himself in this particular case with respect to the limits of the high seas. He said:

"I wish to guard myself from being supposed to adopt any words or expressions which may seem to imply a doubt as to the competency of Parliament to legislate as it may think fit for these waters. I think that usage and the common consent of nations, which constitute international law, have appropriated these waters to the adjacent state to deal with them as the state may deem expedient for its own interests. They are therefore, in the language of diplomacy and of international law, termed by a convenient metaphor the territorial waters of Great Britain, and the same or equivalent phrases are used in some of our statutes, denoting that this belt of sea is under the exclusive dominion of the state. But the dominion is the dominion of Parliament, not the dominion of the common law. \* \* \* Therefore, although as between nation and nation these waters are British territory, as being under the exclusive dominion of Great Britain, in judicial language they are out of the realm, and any exercise of criminal jurisdiction over a foreign ship in these waters must, in my judgment, be authorized by an act of Parliament."

As he understood these words, if Sir Robert Lush had found that in the particular place Parliament had stepped in and said that portion of the water was part of the United Kingdom, he would have been of opinion that the Crown had territorial jurisdiction over it, and the conviction ought not to be quashed. It was fortunate for the prisoner in the *Franconia* case, though not fortunate for the vindication of the law, that Mr. Justice Lush was under the impression that that had not been done which really had been done. It appeared that in an act of 1848, for the regulation of customs, there was a provision authorizing the lords of the treasury to establish ports in many places where ports were required and to define their limits. Under that provision the lords of the treasury issued a warrant, which was inserted in the *London Gazette* of the 3d of March, 1848. In that warrant were these paragraphs:

"That the limits of the port of Dover shall commence at St. Margaret's Bay aforesaid, and continue along the said coast of Kent to Copt Point in the said county. That the limits of the port of Folkestone shall commence at Copt Point aforesaid, and continue along the coast to Dungeness, in the said county."

"And we, the said commissioners of Her Majesty's treasury, do further declare that the limits seaward of the said ports shall extend to a distance of three miles from low-water mark out to sea, and that the limits of such ports shall include all islands, bays, harbors, rivers, and creeks within the same respectively."

So that under Parliamentary powers the proper authorities had declared long before the *Franconia* case that the limits of the port of Dover extended three miles out to sea. We understood the view of the majority of the judges to be this, that there was one jurisdiction by land and the other by sea; that the jurisdiction by land was one limited by the limits of counties, taking into the county the low-water mark, and the harbors and rivers within the county; and the jurisdiction by sea, the old jurisdiction of the lord high admiral, now exercised by the central criminal court; that the jurisdiction of the lord high admiral extended to the high seas, but the persons over whom it was exercised must be British subjects, not foreigners; and that the central criminal court had no jurisdiction over the persons of foreigners beyond the low-water mark. That he understood to be the common ground on which the majority of the judges acted in quashing the conviction; and taking that as the *ratio decidendi* of the judges in a decision which he accepted, it would at first sight appear that there was nothing more for him to do than to ask the favorable consideration of their lordships of a bill to amend the law; but there fell some observations from Sir Robert Phillimore, the lord chief baron, and the lord chief justice, whose judgment was the most

elaborate, and might be regarded as the leading judgment of the majority, and which contained a principle that seemed to challenge the right of Parliament to legislate on this subject. Expressions of the lord chief justice would certainly seem to imply that we could not legislate with respect to the high seas, even within the limits of the belt or zone to which he had referred, without the consent of foreign nations, or until after communication with foreign nations. That was a very serious question. If the judgments of those learned judges amounted, as they were supposed to do, to a proposition of that kind, of course Parliament would be exceeding its powers if it entered into legislation applying to that belt or zone with the view of making foreigners amenable to our law. But he would ask their lordships to consider whether there was any foundation for that principle. He ventured to think there was not, and he thought it would be a very serious thing if there were. He would lay before their lordships the views of great constitutional writers of this kingdom and of the United States on this question. Then he would add the views of international jurists on the continent, and next he would show what our own judges had ruled in international cases, and lastly he would direct attention to what their lordships themselves had done in the course of legislation. If their lordships referred to Bracton and Selden they would find that those writers maintained that within the four seas—the British Channel, the Irish Channel, the sea on the west and east coast of Scotland, and the German Ocean—the Crown had jurisdiction, and that they held that the country would not be safe without jurisdiction. They did not enter into the question how far our jurisdiction extended, because in their times our commerce was not such as to make it necessary for them to do so; but they claimed a jurisdiction over the four seas. He held that principle had never been departed from. As years went on and commerce extended, definitions as to distance were adopted, but the principle of the claim to a jurisdiction over the waters round the kingdom was never given up. He would quote the opinion of Coke:

“If a man be upon the sea of England, he is within the kingdom or realme of England, and within the ligeance of the King of England, as of his Crowne of England. And yet *allum mare* is out of the jurisdiction of the common law, and within the jurisdiction of the lord admirall, whose jurisdiction is verie antient, and long before the reigne of Edward the Third.”

Then Hale, in his *De Jure Maris*, said:

“The part of the sea which lies not within the body of a county is called the main sea or ocean. The narrow sea adjoining to the coast of England is part of the waast and demesnes and dominions of the King of England, whether it lie within the body of any county or not. This is abundantly proved by that learned treatise of Master Selden called *Mare Clausum*; and therefore I shall say nothing therein, but refer the reader thither. In this case the King of England hath a double right, viz, a right of jurisdiction which he ordinarily exerciseth by his admiral, and a right of propriety or ownership. The latter is that which I shall meddle with.”

Again, in his *Pleas of the Crown*, Hale said:

“The realm of England comprehends the narrow seas, and therefore if a war be levied upon those seas, as if any of the King's subjects hostilely invade any of the King's ships (which are so many royal castles), this is a levying of war within his realm, for the narrow seas are of the ligeance of the Crown of England (*vide* Selden's *Mare Clausum*). And this may be tried in the county next adjacent to the coast by an indictment taken by the jurors for that county before special commissioners of oyer and terminer, *de quo vide infra*, and in the chapter of piracy.”

That was the view of our great international writers on English law, who did not concern themselves with the extent of the jurisdiction, but with its principle. He would now cite the opinion of the American text writers. What did Kent in his *Commentaries* say?

“It is difficult to draw any precise or determinate conclusion, amid the variety of opinions, as to the distance to which a state may lawfully extend its exclusive dominion over the sea adjoining its territories and beyond those portions of the sea which are embraced by harbors, gulfs, bays, and estuaries, and over which its jurisdiction unquestionably extends. All that can reasonably be asserted is that the dominion of the sovereign of the shore over the contiguous sea extends as far as is requisite for his safety, and for some lawful end. A more extended dominion must rest entirely upon force and maritime supremacy. According to the current of modern authority, the general territorial jurisdiction extends into the sea as far as a cannon-shot will reach and no farther, and this is generally calculated to be a marine league; and the Congress of the United States have recognized this limitation by authorizing the district courts to take cognizance of all captures made within a marine league of the American shores.”

Then Wheaton gives this opinion:

“The controversy how far the open sea or main ocean beyond the immediate boundary of the coasts may be appropriated by one nation to the exclusion of others can hardly be considered open at this day. We have already seen that by the generally

approved usage of nations, which forms the basis of international law, the maritime territory of every nation extends (1) to the ports, harbors, bays, &c.; (2) to the distance of a marine league, or as far as a cannon-shot will reach, from the shore along all the coasts of the state."

And afterward:

"The reasons which forbid the assertion of an exclusive proprietary right to the sea in general will be found inapplicable to the particular portions of that element included in the above designations."

And Bishop in his *Criminal Law*, states:

"A nation bordering on the sea can hold actual possession of it as far from the shore as cannon-balls will reach, while dominion to this extent is necessary for the safety of the inhabitants, who might otherwise, being neutral, be cut down in time of war by the artillery of the belligerents contending on the water. And so much of ocean, the authorities agree, is within the territorial sovereignty which controls the adjacent shores. A cannon-shot is for this purpose estimated at a marine league, which is a little short of three and a half of our English miles, or exactly 3.4517. But the rule of computing a cannon-shot as a marine league for this purpose was established before the late improvements in guns and gunnery, and, in reason, the distance would seem now to require extension, though the author is not able to refer to any sufficient authority showing the extension to have been actually made in the law of nations."

The real principle which seems to be upheld by all the international jurists is that in extent so much jurisdiction must be given to every country as was necessary for its defense and protection. Different estimates were made by different international jurists. A number of these estimates might be summed up thus:

Albericus Gentilis, 100 miles; Baldus, Bodinus, 60 miles; Loccenius, two days' sail; Cesaregis, 100 miles; Valine, as far as soundings can be had; Puffendorf refers to Baldus's limit, 60 miles; calls it "an accessory to the land as much as the ditch of a town is an accessory to the town"; Grotius, "as much of the sea as can be commanded from the land"; Bynkershoek, same as Grotius; Wolff, same as Grotius; Moser, see extracts; Vattel, see extracts (two); Hübner calls this part of the sea an "accessory" to the land; Lampredi, "as much as is necessary to protect the shore"; Martens, see extract; Schmaltz, see extract; Ortolan, chapter *De la Mer Territoriale*, "the sovereignty of the sea has for its limits the distance a cannon will carry"; Hautefeuille, see extracts.

He would now quote the opinion of some of the international jurists as to the jurisdiction itself. Moser said:

"The sea which borders on the coast of a country is indisputably, according to the law of nations, under the sovereignty of the adjacent land, as far as a cannon-shot will reach."

This was laid down by Vattel:

"In general, the dominion of the state over the neighboring sea extends as far as her safety renders it necessary and her power is able to assert it."

Again, the same writer said:

"Nowadays, all the extent of sea which is within reach of a cannon-shot from the shore is considered as forming part of the territory. For this reason a vessel taken under the cannon of a neutral fortress is not a good prize."

Martens stated:

"So a nation may assert an exclusive right to the neighboring portions of the sea, capable of being maintained from the shore. At this day all European nations agree that, as a rule, straits, bays, gulfs, and the neighboring sea belong to the master of the coast, to the extent at least of a cannon-shot from the shore. In a number of treaties the wider range of three leagues has even been adopted."

Schmaltz laid it down that—

"The parts of the sea which bathe the coast have always been considered to be the property of the country which they bound. In Europe, the opinion of jurists who have treated the matter philosophically has been systematically adopted. According to this principle the sea should belong to the continent as far as the defense of the shore can extend, of which a cannon-shot was to be taken as the measure. At a later period the distance has been fixed arbitrarily at three marine leagues." [7 miles].

And this was from Hautefeuille:

"These territorial waters are the property of the nations possessing the shores, and, consequently, these nations have, within such waters, all the rights of sovereignty without exception as though it were on so much land. Foreigners entering this reserved territory must submit to the law of the sovereign in all that concerns their relations with the land and its inhabitants, as though they were on the land. The limit of the territorial sea is fixed by the principle from which its territorial character arises. It extends as far as the sea can be commanded from the shore, but no farther."

It appeared to be established as a matter of principle that there must be a zone. The only doubt was as to how far our limit extended. The authorities were clear on this—that if three miles were not found sufficient for the purpose of defense and protection,

or if the nature of the trade or commerce in the zone required it, there was a power in the country on the seaboard to extend the zone; but at present there was a consensus of opinion among the authorities that certainly the jurisdiction extended to three miles. If that were not the established law, nations with a seaboard would be very much worse off than those which had none, because a neighbor on land you could make a treaty with, or treat as an enemy; but if a nation with a seaboard had no control over a zone it would always be liable to dangerous aggression from beyond the sea. [Hear, hear.] He would now refer their lordships to judicial opinion. In a case in which Prussia claimed restitution of a ship seized by an English man-of-war within three miles of Prussian territory, Lord Stowell said:

"A claim has been given for the Prussian Government, asserting the capture to have been made within the Prussian territory. It has been contended that although the act of capture itself might not have taken place within the neutral territory, yet that the ship to which the capturing boats belonged was actually lying within the neutral limits. The first act to be determined is the character of the place where the capturing ship lay, whether she was actually stationed within those portions of land and water, or of something between water and land, which are considered to be within Prussian territory. She was lying within the eastern branch of the Ems, within what I think may be considered at a distance of three miles at most from East Friesland. I am of opinion that the ship was lying within those limits in which all direct operations are by the law of nations forbidden to be exercised. No proximate acts of war are in any manner to be allowed to originate on neutral ground, and I cannot but think that such an act as this, that a ship should station herself on neutral territory and send out her boats on hostile enterprises is an act of hostility much too immediate to be permitted. The capture cannot be maintained."

In another case, that of the *Maria*, Lord Stowell said:

"It might likewise be improper for me to pass over, entirely without notice, as another preliminary observation, though without meaning to lay any particular stress on it, that the transaction in question took place in the British Channel, close upon the British coast, a station over which the Crown of England has from pretty remote antiquity always asserted something of that special jurisdiction which the sovereigns of other countries have claimed and exercised over certain parts of the seas adjoining to their coasts."

He would now refer their lordships to an opinion expressed by Sir John Nicholl, on a claim by a lord of a manor to goods derelict. Sir John said:

"As to the right of the lord extending three miles beyond low water, it is quite extravagant as a jurisdiction belonging to any manor. As between nation and nation, the territorial right may, by a sort of tacit understanding, be extended to three miles; but that rests upon different principles, viz, that their own subjects shall not be disturbed in their fishing, and particularly in their coasting trade, and communications between place and place during the war. They would be exposed to danger if hostilities were allowed to be carried on between belligerents nearer to the shore than three miles."

A case occurred when the Duke of Wellington held the office now held by his noble friend Earl Granville. In 1829, within three miles of one of the cinque ports, some fishermen at sea were fortunate enough to discover a whale valued at £370. A claim to the fish was made by the lord warden, and the admiralty claimed against him. The learned judge who tried the question came to the conclusion that the office of lord warden of the cinque ports was more ancient than that of lord high admiral, and the lord warden of the cinque ports succeeded in carrying away the whale. What were the views of Dr. Lushington? He said:

"What are the limits of the United Kingdom? The only answer I can conceive of that question is the land of the United Kingdom and three miles from the shore."

Again, the same learned judge, in speaking on the question of compulsory pilotage, said:

"The Parliament of Great Britain, it is true, has not, according to the principles of public law, any authority to legislate for foreign vessels on the high seas, or for foreigners out of the limits of British jurisdiction; though, if Parliament thought fit to do so, this court, in its instance jurisdiction, at least, would be bound to obey. In cases admitting of doubt, the presumption would be that Parliament intended to legislate without violating any rule of international law; and the construction has been accordingly. Within, however, British jurisdiction, namely, within British territory, and at sea within three miles from the coast, and within all British rivers *intra fauces*, and over foreigners in British ships, I apprehend that the British Parliament has an undoubted right to legislate."

Then he would add to that the opinion of the late Lord Wensleydale, in that House, in *Gemmell vs. The Commissioners of Woods and Forests*, a well-known Scotch salmon-fishery case:

"It may be worth while to observe that it would be hardly possible to extend it seaward beyond the distance of three miles, which, by the acknowledged law of nations,



belongs to the coast of the country, is under the dominion of the country by being within cannon-range, and so capable of being kept in perpetual possession."

In advising that House in another case, a noble and learned friend (Lord Chelmsford) whom he was glad to see there to-night, and who held the office which he (the Lord Chancellor) had the honor to hold, said:

"The three miles' limit depends upon a rule of international law, by which every independent state is considered to have territorial property and jurisdiction in the seas which wash their coast within the assumed distance of a cannon-shot from the shore."

He would add to that the opinion expressed by another noble and learned friend (Lord Hatherly) of his, whom he was also glad to see there. His noble and learned friend, in the case of a collision between a foreign and a British ship, said:

"With respect to foreign ships, I shall adhere to the opinion which I expressed in *Cope vs. Doherty*, that a foreign ship meeting a British ship on the open ocean cannot properly be abridged of her rights by an act of the British legislature. Then comes the question, how far our legislature could properly affect the rights of foreign ships within the limits of three miles from the coast of this country. There can be no possible doubt that the water below low-water mark is part of the high sea. But it is equally beyond question that, for certain purposes, every country may, by the common law of nations, exercise jurisdiction over that portion of the high seas which lies within three miles from its shores."

In the case of the "*Free Fisheries of Whitstable vs. Gunn*," Sir William Erle said:

"The soil of the seashore to the extent of three miles from the beach is vested in the Crown."

Now, these were the opinions, and as far as he was aware, there was no opinion in the other way, of the eminent judges who had considered this subject. He said he would inform their lordships what had been done in the way of legislation. He might refer their lordships to many acts of Parliament, but he would only refer to one. He would take the last edition of the foreign enlistment act. That was an act which, if the words "deliberation," "care," might ever be applied to the passing of an act, might be applied to the passing of it. It was brought forward by the government of the day, under the advice of its legal advisers. It had also the gravest consideration from many persons outside the government. What that act did was this: it provided that "this act shall extend to all the dominions of Her Majesty, including the adjacent territorial waters." He had troubled their lordships with these references because he felt bound, after the doubts supposed to be cast on the question, to establish the position that their lordships were entitled to legislate as he proposed. The right which we claimed over the high seas was a right which we had always exercised, and he asked their lordships to pass an act for the purpose of obviating the doubts he had pointed out. Her Majesty's Government did not wish to make any new enactment as regarded the case of British subjects within territorial waters of this country. No person doubted the full jurisdiction of the Crown over them. It was only in the case of those who were not British subjects that doubts had been expressed. With regard to those who might be foreigners, and temporarily within the three-mile limit, Her Majesty's Government wished that there should not be an absolute necessity of proceeding against them for a breach of our law. They proposed to enact that an offense committed by a person who was not a subject of Her Majesty on the open sea within the territorial waters of Her Majesty's dominions, although the offense might have been committed on board a foreign ship, might, with the consent of one of the principal secretaries of state, be tried by a British tribunal. He asked their lordships to read the bill a first time, and he proposed the second reading for this day week.

Lord Selborne said that as far as the case connected with the *Franconia* proceeded on a technical ground for the trial of a criminal offense on the high seas within the territorial waters of this country, he did not profess to entertain an opinion which would entitle him to criticise the judgment of the majority of the judges; but he must say that on reading that judgment some doubt was entertained as to the existence in principle of the territorial right, properly so called, in the sovereign of this country over waters which all writers on international law had regarded as territorial waters. It was by the general consent of nations that the three-mile limit had been fixed; and within that limit other nations claimed exactly the same jurisdiction and rights that we ourselves claimed. The bill proposed, very properly, to assert our right to punish criminal offenses committed within that limit, and much prudence was shown in not seeking to extend by this measure our jurisdiction for this purpose beyond the three-mile limit. It had been argued that, in consequence of the increase in the range of artillery, that limit should be extended to five or even six miles; but, although that might be a very sensible alteration to make in international law, it should only be effected by the general consent of all nations.

The Duke of Somerset asked whether the bill would touch the question whether the line of limitation should be drawn from headland to headland, or merely follow the

inclination of the shore, and whether the provisions of the bill would apply to offenses committed on board foreign vessels of war within that line of limitation.

The Lord Chancellor replied that ships of war would not come within the provisions of the bill, and that the measure in no way touched the question relating to bays and headlands.

The bill was then read a first time.

The House adjourned at twenty minutes to seven o'clock.

### No. 170.

*Mr. Welsh to Mr. Erarts.*

No. 46.]

LEGATION OF THE UNITED STATES,  
*London, March 15, 1878. (Received March 29.)*

SIR: I have the honor to inclose a report prepared by Mr. E. S. Nadal, second secretary of this legation, upon the British diplomatic service, which appears to me to be clear and comprehensive, and which I beg to commend to the favorable notice of the Department of State.

I have, &c.,

JOHN WELSH.

[Inclosure in No. 46.]

#### *Report on the British diplomatic service.*

In the year 1870 a committee of the House of Commons was appointed to inquire into the constitution of the diplomatic and consular services of Great Britain. The committee was reappointed in 1871. They received a great deal of testimony; that which concerned the diplomatic service was published in two large reports. The committee, after they had completed their inquiries, recommended that certain changes be made in the conduct of the diplomatic service. No act of Parliament was passed to force these changes upon the secretary of state for foreign affairs; but several of the recommendations of the committee were approved by him. Accordingly he issued a revised table of regulations, which went into effect in January, 1873. The degree to which these new regulations have been enforced, and any changes in the character of the British diplomatic service which may have taken place since their announcement, it has been easy for me to learn in conversation with several English diplomats and members of the foreign office.

The nomination of persons to enter the diplomatic service is made by the secretary of state for foreign affairs. It is thought that the choice should be made by him solely, in order that the responsibility for the character of his appointments may be wholly his. The only regulation which restricts his liberty of choice, is that he may not nominate any one who shall not have completed the twentieth year of his age, or shall have exceeded the twenty-sixth. But there are two other restrictions, which, though not mentioned in any regulation, are perfectly understood.

It is necessary that persons entering the diplomatic profession should have a fortune. It was said, by all those gentlemen who were asked by the committee as to the amount of fortune needed by a diplomatist, that no person should enter the British diplomatic service who could not count upon a private income of £400 or £500 a year. Sir Andrew Buchanan, at that time ambassador to St. Petersburg, said, "I have two or three sons myself, and I have not put one of them into diplomacy; I cannot afford it." In the diplomatic services of several of the countries of Europe, it is expressly required that candidates for admission to them must have a specified income. In France this income is \$1,200, and in Italy \$1,600. In the English service the possession of no fixed income is required.

The second practical limitation upon the choice of the secretary, is, that the candidates selected must be from a certain class of society. To this subject I shall refer again. I should say, however, that it is not necessary that the candidate should be connected with the aristocracy of the country. In the foreign-office list one finds, besides certain great family names, the names of families which have been lately ennobled for public services, the names of families which have been long connected, mostly in rather subordinate capacities, with various departments of the government,

the names of great merchants, of eminent physicians, of successful solicitors and attorneys. By a computation made at the foreign office, it was found that, out of the one hundred and twenty persons composing the British diplomatic service, there were fifty connected with noble families to seventy who were not so connected.

The person nominated by the secretary of state is required to present himself within three months from the date of his nomination for examination. He is examined in orthography, handwriting, and *précis* writing; he must be well grounded in Latin grammar, and able to construe some Latin author; he must be well acquainted with the first four rules of arithmetic, and with decimal fractions, and must have a knowledge of geography; he must be able to talk and write French, must possess a general knowledge of English constitutional history, of the political history of Europe, and of the United States from 1815, to 1860, and of political economy. It is also required that he shall show general intelligence and quickness; though, as the examination is not competitive, I should not think this provision important. Candidates who have taken a degree in one of the universities of the United Kingdom are exempted from examination, except in handwriting, *précis*, and French. The examination is held before the civil-service commissioners.

During the six months following his admission, the attaché is required to serve in the foreign office. This period is included in the probationary two years of unpaid service which he is required to pass before becoming a third secretary of legation. The period of unpaid service was, before 1873, four years. Before 1861 it often happened that a man spent twelve or fourteen years as an unpaid attaché. These years, moreover, did not "count" toward his pension. The two years of unpaid service at present required of the attaché do "count" toward his pension. Different opinions were given by distinguished English diplomatists as to the question of the value of unpaid service. Lord Clarendon thought that unpaid service was never so good as paid service. He thought that the man who received £100 for his work did it better than he who received nothing. But the others were generally of the opinion that the attachés did their work extremely well. It was thought, however, that the government had done well in shortening the period of unpaid service. But Sir Henry Bulwer regretted that a certain class of unpaid attachés were no longer employed. He referred to those young men of fortune formerly attached to embassies and legations, who did not expect to remain in the service, but who were willing to do a certain amount of work in exchange for the opportunities of observation and enjoyment which a diplomatic appointment gives. Sir Henry Bulwer regretted that these men were no longer employed, because their retirement after a few years made room for those who intended to remain in the profession, but chiefly from the fact that they usually owed their appointment to the ambassador or minister with whom they served, and were therefore very desirous to please him. He thought that since the chief had ceased to be consulted in the selection of his staff, the secretary or attaché was apt to think that so long as the foreign office was pleased, it made little difference whether the chief was pleased or not.

The fact that in general the chief had no longer any authority in the selection of his staff was to be regretted. He said that Lord Lyons was the only British diplomatist who had been allowed to choose his own staff. One other diplomatist told the committee that there was among secretaries a want of disposition to please the heads of missions. But from the drift of the testimony given by ambassadors and ministers, it was plain that they did not think this. It is true that the heads of missions are, by the new regulations, required to make a report annually upon the manner in which each junior secretary and attaché has performed his duty during the year. Whether this regulation was intended to give the chief a guarantee for the good behavior of the subordinate I am not certain, but several of the heads of missions to whom it was suggested that such reports should be made said that they were not necessary, and that they would be harmful. The intention of the regulation is no doubt in part to compel the chief to communicate to the secretary of state the conduct of young men who are not doing credit to the country, or whose example is a source of danger to their associates. It is in part, also, that the secretary may be informed as to the men whom it is desirable to promote. These communications are strictly private, and as a rule are not placed among the archives.

After a period of two years unpaid service, the attaché becomes a third secretary of legation. In order to become a third secretary, it is only necessary that he shall obtain a certificate from the minister with whom he has last served that he is able to understand and speak French and one other language. On his appointment to the grade of third secretary he receives a salary of £150 a year. If he is able to pass an examination in public law, he is entitled to receive besides his salary £100 a year. There is no fixed period for service in the grade of third secretary, nor, indeed, for service in any grade except that of attaché. The minimum salary of a second secretary is £300 a year, which increases by £15 a year till it reaches a maximum of £450 a year. Any secretary or attaché may get £100 a year, besides any salary he may be receiving, by obtaining from the minister or ambassador with whom he is

employed a certificate that he possesses a competent colloquial or other knowledge for ordinary purposes of the Russian, Turkish, Persian, Japanese, or Chinese language, while serving in any country where such language is the common one.

The minimum salary of a secretary of legation or embassy, is fixed at £500 a year. The highest salary paid to a secretary of legation, higher than that of any secretary of embassy, is £1,200, which is paid to the secretary of legation in Persia. The secretaries of legation in China and Japan get each £800. The minimum salary of £500 is given to the secretaries of legation in Greece and the Argentine Republic. The highest salary of a secretary of embassy is £900, which is received by the secretaries at St. Petersburg and Constantinople; the secretary of embassy at Rome receives the lowest, which is £800.

It is not expected that the secretary of embassy or legation shall work in the office of the mission. He may, and often does, come into the chancellerie and work with the rest, but he is not obliged to do this. His business appears to be mainly to wait, in order to take the place of the chief during his absence or illness. He is, indeed, required once a year to prepare a report upon some subject connected with the politics or commerce of the country in which he is residing. His exemption from the duty of working in the chancellerie was defended by some who testified before the committee, and condemned by others. Some said that such work as copying should not be expected from a secretary of legation, to which Mr. Christie, formerly minister to Brazil, replied that there was always a great deal of work in a legation which a secretary might take off the hands of the chief and which it would be perfectly becoming for him to do. That the exemption existed at all was denied or very nearly denied by Mr. Robert Lytton, who did not understand what was meant by gentlemen who said that the secretary of legation did no work in the chancellerie. But from the nature of the evidence given before the committee, and from what I have heard British diplomatists say, I am sure that to a certain degree the exemption exists. I suppose custom to be the chief reason for it. It is not confined to the English service, but seems to be a general tradition of the diplomatic profession in Europe.

The salaries of the heads of the British missions vary from £750 received by the chargé d'affaires at Saxe-Coburg to £10,000 received by the ambassador at Paris. The lowest salary of a minister resident, £1,200, is received by the minister to Hayti. The ministers resident to Central America, Chili, Colombia, Peru, Venezuela, receive £2,000. The lowest salary of an envoy is that of the ministers to Sweden and the Argentine Republic, £3,000. The highest, £6,000, is paid to the envoys in China and the United States. The lowest salary of an ambassador is £7,000, which is paid to the representatives in Italy and Germany.\* An ambassador retires upon a pension of £1,700, but must have served three years in this capacity before he is entitled to receive this sum; an envoy of the first class receives a pension of £1,300, but must have served five years in this capacity; a minister resident or chargé receives £900, but must have served five years. A secretary of legation who may have served ten years abroad is entitled, after fifteen years from the date of his first commission have elapsed, to retire upon a pension. But of course the retirement of a secretary of legation occurs extremely rarely.

It is required by law that each retiring diplomatist, indeed that each retiring civil officer, shall make a declaration that the amount of his income from other sources is so limited as to bring him within the meaning of the pension act. I am assured, however, that the retiring diplomatist often receives his pension without having made this declaration. A gentleman recently retired from the diplomatic service, being entitled to a pension of about £200; he had come into a fortune of £20,000 a year, but continued to draw his pension.

Before 1869 the sums of money to defray the expenses of the diplomatic service were taken from the consolidated fund; since that time they have been annually voted by Parliament. The grant for the year ending March 31, 1877, was £250,013; the actual expenditure was £246,273 4s. 1d. In accordance with the law applying to all departments of the government, that the net surplus of the grant over the expenditures shall be surrendered to the treasury, £3,739 15s. 11d. was returned. In the grant specified sums are set apart for each of a number of heads, such as wages, telegrams, postage, outfits, &c. The sum granted by Parliament for "the relief of distressed British subjects" was £100; that expended was £48 16s. 3d. This grant of £100 was to be divided among distressed British subjects throughout the world.

Promotion in the service is almost entirely by seniority. In the new regulations it is announced that the secretary of state will not be restricted by claims founded on seniority or membership of the profession from making any such selections as he may think right to make. But any departure from the rule of seniority is, in the usual course of the profession, rare. When a vacancy occurs the person next in point of

\* At Constantinople, Vienna, Paris, and Washington the mission houses are owned by the government; at some of the other missions an allowance is made for rent. Secretaries of embassy receive an allowance for rent.

length of service expects to be promoted, and would think himself injured, indeed insulted, if a rule so generally followed should be departed from in the one instance in which he was concerned. So that the system of seniority, tempered by selection, which would appear to be the ideal one, exists rather upon paper than in practice.

Mr. Mitford, secretary of legation in Japan, said in his evidence before the committee: "There is no encouragement whatever to a man to do his work well, simply because he sees his neighbor, who is shirking his work and shuffling, go up, as he himself might do, knowing at the same time that he is working hard in the interests of his country." In the instances in which the system of promotion by seniority is departed from, it is said by some that it is the principle of promotion by favoritism rather than selection which takes the place of it. When a vacancy occurs in a first secretaryship of embassy, a secretary of legation is, of course, promoted to it, but I have heard men complain that it is not he who has proved himself the ablest who is promoted, nor always he who has served longest, but he who has many friends in Parliament or who is connected with a great family. One gentleman told me that it was on account of his want of these qualifications that, after twenty-five years of service, he was still a second secretary. I should add, however, that this gentleman has been retired by his government on a pension of £500 a year, which is more than he was receiving at the time of his retirement. I believe that one way, perhaps the only way, to get on rapidly in the service is to accept disagreeable appointments. A post at Pekin becomes vacant; it is offered to the man who is next in point of length of service; if he declines it, it is offered to the next and the next; and he who finally goes to Pekin jumps over the heads of those who have refused to go.

The secretary of state announces that he holds himself at liberty to commend to the Queen for any of the higher diplomatic posts the names of persons who have not been connected with the diplomatic profession. But this is seldom, I may say never, done. Some consuls, as in Japan and China, have been made ministers. Mr. Layard, now ambassador to Turkey, was appointed as minister to Spain in 1869, he having at that time no connection with the diplomatic service. But Mr. Layard had been under secretary of state for foreign affairs and began life as an attaché in Constantinople. I may say, therefore, that not a single appointment to a high diplomatic position has been made of late years from without the service. No person so appointed now occupies such a post.

Yet the committee were strongly of the opinion that some appointments to responsible posts should be made from without. It was thought, for instance, that some man not connected with diplomacy might have shown qualities and won a reputation which would make it for the public advantage to send him to Washington. In general it was considered that a profession so closely constituted at its commencement should be open in its higher ranks. The secretary of state must appoint to the lowest steps of the career only the sons of rich men, and the sons of those who have a certain position in society. The question of the position in society of persons appointed to the profession was discussed before the committee. It was felt to be an invidious one, and as little as possible was said of it, but all the persons examined were of the opinion that a diplomatist should be able to take easily a good position in the society of a foreign capital, and that he would not be likely to be able to do this unless he had held a good position in his own country. They thought that should a man of different origin, although himself of good appearance, character, and abilities, be appointed to the service, the society of the place to which he was sent would be sure to learn all about him and would be likely to avoid him. Besides the money and class limitations, there is the limit of age, which was regretted by one gentleman, as depriving the public of the services of men who, still young, may yet have had opportunities to show peculiar aptitudes for diplomatic business. Was it reasonable that the interests of England abroad should be entirely in the hands of men whom a secretary of state, hampered by such limitations, had selected forty years earlier?

That the diplomatic profession should look upon the appointment of outsiders as a hardship to themselves is to be expected, for promotion in the career is at best extremely slow. It is true that the block in the service caused by the abolition of missions after 1866 has been nearly worked off. And certainly there is less complaint of slowness of promotion now than when the report of the committee was made. It was then said that, owing to the lessening attractions of diplomacy, there was less disposition to enter the service than formerly, and that other departments of the civil service were preferred to it. It was said that a number of men, tired of waiting for advancement, had left the service to enter various commercial and international undertakings in which their knowledge of languages and of many countries commanded a high price. I am told, however, that the present state of things is precisely contrary to this. There is now a pressure to get into the diplomatic service, and Lord Derby has lately said that he will be unable for some time to come to entertain more applications for admission. British diplomatists still object to take their turn in South America, but nobody is leaving the service. This is, of course, to be ascribed in part to the changes in the business aspect of the world which have taken place since 1871,

changes which dispose men to look with favor upon the established places of society, and to be content with moderate rewards.

The practical changes in the constitution of the diplomatic service, resulting from the investigations of the committee, appear to have been few and slight. The suggestion that the rank of diplomatic agents in South America should be raised from that of *chargé d'affaires* to that of minister resident, without an increase of pay, was accepted and put in force; so, also, were the suggestions that the pay of attachés should begin two years earlier; that the heads of missions should be permitted to accumulate two years' leave of absence in one. But recommendations which looked to any real modification of the constitution of the service have not been accepted, or, if accepted, have not been enforced. The regulations that the period of duration of service at one post should be limited; that exchanges between diplomatists and foreign-office clerks should be compulsory; that appointments should be made to responsible posts from without the service, have not been put in practice. The regulation that the duration of appointments of heads of missions at one place shall not exceed five years, and that heads of missions who have been five years at one place may only remain by reappointment, has not been put in force till within a month. The occasion of this was a desire to get rid of one diplomatic agent. In order to do this, all heads of missions who had been five years at their posts were reappointed, the reappointment being withheld in the case of this individual.

Among the new regulations is one concerning the interchange of employment between second and third secretaries of legation and clerks in the foreign office. A more extensive system of interchange between the diplomatic service and the foreign office was advised by all those who appeared before the committee. It was urged that a diplomat would learn much by a service in the foreign office, for in no embassy or legation could there be the same variety of practice, the same drill and discipline, as in the foreign office. On the other hand, it would be of advantage to the head of a bureau to have served abroad, for he would thus know, by actual contact, subjects which he could otherwise know only by correspondence or by books. The heads of departments at the foreign office are the natural critics of the work of the diplomatists; they would be able to judge it better if they had served in missions and had themselves done work of the same kind. It has long been the custom for exchanges to be made between the foreign office and the diplomatic service, but by the new regulations the secretary of state is able to compel such exchanges. But, in fact, no compulsory exchanges are made. Diplomatists are usually glad to exchange with foreign office clerks; the reluctance to exchange is on the part of the clerks. The clerks have their ties in London, and have "got into a groove." An exchange, beside, would generally be to their pecuniary disadvantage. A small income, together with his pay, might enable the clerk to live very well in London, but would be insufficient in St. Petersburg. Or, he may, as many do, live at home, in which case, of course, a transfer to a distant place would greatly increase his expenses. For married men, these removals would be especially inconvenient. Still, exchanges often take place; a first-class junior clerk and a second secretary of legation exchange titles; and a second or third class junior clerk and a third secretary of legation exchange titles. Commissions as acting secretaries of legation are made out for the clerks who are transferred to missions. The secretary of state may also direct that a clerk may serve abroad or a secretary of legation at home without an exchange. Both to those who exchange and to those appointed at home or abroad, without exchanging, the secretary assigns such pay as he thinks just and proper.

A considerable part of the testimony of the diplomatists before the committee took the form of an apology for the existence of their profession. The committee were not so rude as to ask the diplomatists if they were really useful, but it was evident that the question was in their minds. This was plainly the motive of the many questions asked as to the reasons of the success of America in diplomatic business; if a country without an organized diplomatic service was able to get what it wished, what was the advantage of having a service? The British diplomatists thought that while the foreign affairs of America had no doubt been in the hands of very able men, still the country owed its diplomatic victories to certain accidental advantages of its own even more than to the abilities of its representatives. They had in mind such accidents in our favor as the popularity and moral influence of the country throughout the world, and that independent position which enables it to approach every matter of business with a boldness resulting from the consciousness that whatever happens nothing can harm it. It was intimated that our diplomacy was a little "reckless." A British diplomatist of great eminence said to the committee that one cause of American success in diplomatic negotiations was that an American diplomat was able to assume a bolder tone than a diplomat of any other country; he was able to do this because he knew that he would be supported by the government and by the public sentiment of his country in assuming a bold tone. He said that had it been Americans instead of English who were murdered by Greek brigands in 1870, "more satisfactory redress"

would have been obtained from Greece by the American Government than had been obtained by the English Government.

Mr. (now Lord) Odo Russell said that he considered diplomacy to be "a profession in its infancy." This opinion seems an interesting and almost novel one, contradicting as it does the vague though general notion existing in America, and even in Europe, that diplomacy is an institution created by and suited to the times which have passed or are passing away, remaining among us mainly by the power of custom, and at variance with reason and with the democratic directions of society. Yet the remark, taken literally, was nearly a truism; for it is only of late years that diplomacy has become a profession. Years ago the English Government sent upon foreign missions eminent politicians and men of high rank, who, as a rule, had not passed their lives in diplomatic employment. These diplomatists returned when the governments which appointed them retired from office. It was only after order had been introduced into the entire civil service of Great Britain that diplomacy became a profession. It is curious to see that Mr. Otway, parliamentary under-secretary of state with Lord Clarendon, believed that it was still the better way that an incoming government should be represented by ambassadors of its own appointment. But Mr. Otway was singular in this opinion. It was thought generally that a diplomatist who had served well under one government should be able to serve well under another government of an opposite party. Some said that in case a diplomatist were a peer, he might feel it his duty to oppose in Parliament the government he was serving. But it was answered that, as a usual thing, a diplomatist who was a peer would not embarrass a government which employed him, by undue opposition.

Several of the diplomatists while not going to the length of Mr. Odo Russell, in holding that the British diplomatic body, if organized like the Jesuits, or the Prussian army, upon the principle of selection, would become a "body of men who would insure the peace of the world," strenuously denied that the business of diplomacy had been supplanted or rendered useless by any of the peculiarities of recent society, by the newspapers, for instance, or by the invention of the telegraph. If the newspapers got hold of news it was because the officers of government gave it to their agents; besides, the newspapers often spread false and harmful news which it was the business of the diplomatists to contradict. It was said by one gentleman that so far from the truth was it that the use of the telegraph made it no longer necessary that diplomatists should be able men, the contrary was true; the use of the telegraph in diplomatic negotiations made it necessary that the diplomat should have abilities which were not formerly required of him; to present correctly within the compass of a telegram or cablegram a political situation or the state of a negotiation, was a feat of the mind, an intellectual *tour de force* of a high order. In general it may be said that the telegraph even when best used is a deceptive invention. To be within an hour's communication of any place makes upon the mind a strong impression of contiguity; but when we attempt to traverse the intervening distance we discover that oceans are not less wide, and the customs and ideas of other countries scarcely less strange, than before the telegraph was invented. The impossibility of any one person being in more than one country at a time no doubt constitutes the real necessity of the diplomatic profession. No matter how complete may be a statesman's means of communication with distant parts of the world, he can never comprehend a public sentiment or a political situation existing in another country as well as if he were living in that country. So true is it that to understand a country completely it is necessary to live in it; the English diplomatists testified that they soon forgot their own country when away from it. No matter how faithfully they read the newspapers, things in England became dim and indistinct to them. This was said by the diplomatists by way of urging the utility of permitting them long vacations in which to visit their country. Before 1871 the head of a mission was not permitted to be absent more than two months in one year. He was not permitted, as were secretaries and attachés, to accumulate two years' leave of absence. At best he could only take the last two months of one year and the first two of the next. Heads of missions may now accumulate two years' leave of absence.

I may here say that a complaint was made before the committee of a tendency on the part of the foreign office to take business entirely into its own hands, and to deprive the diplomatists of that agency and responsibility which they once possessed.

I have said there was a disposition on the part of the committee to ask some radical questions of the diplomatists. The years in which this committee sat, 1870 and 1871, were years in which the sentiment of change and progress was very active in England. There was an impression abroad in society that a future was approaching, in which, as was said by one of the liberal leaders, "No institution could stand which was not able to supply a reason for its existence." It was intimated that the diplomatic profession had a more dignified position, lived in larger houses and at more expense, and, in general, assumed a greater consequence than the services they rendered justified. What was the use of the houses, the dinners, and the parties? What, indeed, was the use of diplomacy? These were the questions which were hinted by members of the committee and asked by a large part of the public. It is quite possible that in this disposition

of mind toward the diplomatists there was something of democratic jealousy and self-conceit; and the diplomatists might in their turn have asked whether, in this reasonable future, men might not be able to acknowledge the utility of social expenditure from which they derived no personal benefit. I believe, however, that a jealousy of the diplomatists exists in all countries in governing which the people have a considerable part. I am told by the Greek chargé d'affaires here that in the *boult*, or chamber, of his country no part of the budget provokes such debate and criticism as that which relates to the diplomatic expenses.

From various parts of the conversation in the committee, and from the general drift of the testimony, I am able to gather the following answer of the diplomatic profession to the questions of the committee and the public: That diplomacy is engaged for the most part in the obscure and usually thankless task of preventing mischief; that the position of privilege and distinction which the diplomatist finds prepared for him has great advantages; that it would be foolish to throw away these advantages, and especially foolish to throw them away when they were retained by other representatives with whom he would have to contend; that a diplomatic representative should mix in society, and should be, by his position at home and his social education, fit for it; that he should be given a position of independence in it, and a sufficient income to do his part; that it is difficult to compute, weigh, or measure the advantage to any country from having its representative to appear with dignity before another country, but that it is possible that such advantage may not be dear at five or even ten thousand pounds; but that in whatever manner the representative of one country in another may live, and by whatever name he may be known, no changes which may take place hereafter in the constitution of the world can destroy his utility, because it is inevitable that he shall understand the country better, shall know better its public men, its political situations, its national sentiment, and its relation toward any negotiation, than these things can be known by individuals who do not live in that country.

E. S. NADAL.

LEGATION OF THE UNITED STATES,  
*London, March 12, 1878.*

No. 171.

*Mr. Welsh to Mr. Erarts.*

No. 50.]

LEGATION OF THE UNITED STATES,  
*London, March 29, 1878. (Received April 11.)*

SIR: Referring to your No. 28, of the 26th ultimo, I have the honor to inclose herewith copies of a correspondence between Lord Derby and myself regarding the refusal of the British consul at Tamatave, in the island of Madagascar, to entertain complaints of American citizens against British subjects.

I have, &c.,

JOHN WELSH.

[Inclosure 1 in No. 50.]

*Mr. Welsh to Lord Derby.*

LEGATION OF THE UNITED STATES,  
*London, March 12, 1878.*

My LORD: Mr. W. W. Robinson, the consul of the United States in Tamatave, in the island of Madagascar, has represented to the Department of State at Washington that Her Britannic Majesty's consul at Tamatave refuses to entertain complaints of American citizens against British subjects. He adds that this refusal had either been directed or sanctioned by Her Majesty's Government. This policy must necessarily conflict with the interests of citizens of the United States, as it compels them to acquiesce in any injuries which may be inflicted on them by British subjects. Although the number of Americans in that place is not great and their causes of complaint against British subjects must consequently be few, it is desirable that, when such grievances arise, there should be a remedy for them through Her Majesty's consul.

I am therefore instructed to mention this subject to your lordship, and to express a hope that, unless strong reasons should exist for continuing the policy adverted to it



may be revised and modified, so that United States citizens may have their complaints heard with a view to their redress.

Mr. Robinson says that he has never refused to listen to the complaints of British subjects and will continue this practice. This course on his part has hitherto been approved by the Department of State, and no change in that respect will for the present be adopted, in the hope that there may be a change in the disposition of the British consul on the subject.

I have, &c.,

JOHN WELSH.

---

[Inclosure 2 in No. 50.]

*Lord Derby to Mr. Welsh.*

FOREIGN OFFICE, *March 27, 1878.*

SIR: I have the honor to acknowledge the receipt of your note of the 12th instant, in which you inform me that the United States consul at Tamatave has represented to the United States Government that Her Majesty's consul at Tamatave refuses to entertain complaints of American citizens against British subjects, and you point out the inconvenience which is likely to arise from such a course.

In reply, I have the honor to observe that if, as I assume, the complaint of the United States consul refers to the refusal of Her Majesty's consul to hear complaints of a civil nature brought by citizens of the United States against British subjects, the explanation seems to be that the jurisdiction of the British consul is founded on the treaty between Great Britain and Madagascar and Her Majesty's order in council of the 4th of February, 1869, which was issued to carry the treaty into effect. Under that order in council Her Majesty's consul can only hear complaints of a civil nature arising between British subjects, and that is in all probability the reason why he declined the exercise of jurisdiction in the case referred to.

Her Majesty's Government, however, are prepared to consider the question whether the powers of the British consul can be supplemented with a view to meeting such cases, especially as I understand from your letter that the United States consul in Madagascar entertains civil suits brought against his nationals by British subjects.

I have, &c.,

DERBY.

---

No. 172.

*Mr. Evarts to Mr. Welsh.*

No. 51.]

DEPARTMENT OF STATE,  
*Washington, April 2, 1878.*

SIR: Under date of June 1, 1877, the attention of your predecessor, Mr. Pierrepont, was called to the case of Edward O'M. Condon, imprisoned under sentence of a British court for an offense committed in connection with the Fenian movement in Great Britain, and he was instructed to do what he properly could toward effecting the prisoner's release.

At the urgent solicitation of a sister of Condon, the President has suggested that renewed application may be made by this Department with a view to secure his discharge.

You are consequently instructed to recall the attention of Her Majesty's Government to the case, and to state that, in view of the long period of confinement to which the prisoner has been subjected, that a large class of persons in this country desire his discharge, and that his liberation would be very unlikely to occasion any repetition of the seditious acts for which he was imprisoned.

It would be gratifying to the Government of the United States if Her Majesty's Government should deem it not unadvisable to extend to Condon the clemency desired.

I am, &c.,

WM. M. EVARTS.

No. 173.

*Mr. Welsh to Mr. Evarts.*

No. 38.]

LEGATION OF THE UNITED STATES,  
*London, April 4, 1878. (Received April 17.)*

SIR: I have the honor to inform you of certain changes that have lately taken place in the ministry here, chiefly on account of differences of opinion in respect to the treatment of the "Eastern question." The first to withdraw was the Earl of Carnarvon, the secretary of the colonies, whose place was filled, a few weeks since, by Sir Michael Hicks Beach, at that time secretary for Ireland.

At about the same date the privy seal, which had been held by Lord Beaconsfield, in addition to his functions as first lord of the treasury, was conferred on the Duke of Northumberland, and the secretaryship for Ireland given to the right honorable James Lowther.

The Earl of Derby, who had offered his resignation as foreign secretary at the time when Lord Carnarvon retired, finally tendered it again last week to Her Majesty, who accepted it, and transferred the seals of that department to the Marquis of Salisbury. The vacancy thus occasioned in the India office was filled by the appointment of Mr. Gathorne Hardy, who, it is understood, is to be raised to the peerage, and that in the war office made by the retirement of Mr. Hardy was supplied by Colonel Stanley, a brother of Lord Derby.

I received yesterday a note from Lord Derby announcing his resignation, which I answer immediately, expressing my sense of the promptness and courtesy which on his part had uniformly distinguished our official intercourse, and my sincere wishes for his health and happiness.

I had at the same time a letter from Lord Salisbury, stating his assumption of the seals of the foreign office, and inviting me to meet him there on the 3d instant, at three o'clock, to confer with him upon any business in regard to which I had any instructions from my government. In my reply I congratulated his lordship upon his accession to office, and stated my readiness to meet him at the time and place indicated. In the short interview which accordingly took place he received me with great cordiality.

The withdrawal of Lord Derby from the cabinet at this critical moment is regarded as a decided expression on his part adverse to its policy on the "Eastern question," which policy has been clearly defined by a circular which Lord Salisbury addressed, immediately upon his taking office, to the British diplomatic representatives abroad.

I send by this post a copy of this document as presented to both houses of Parliament.

The relations between Great Britain and Russia are regarded as very critical. The common opinion is that they must result in a collision. Both nations are making active preparations. The Russian ambassador, with whom I talked yesterday, evinced considerable anxiety, while the members of the cabinet, with whom I also conversed, showed great firmness.

The British ministry is now united on this important question, and in my judgment they represent the feelings of a majority of the nation.

But these circumstances, however critical in appearance, seem to me to be only the reasonable adjuncts of a strife between parties, each one of whom is determined, if possible, to secure its own objects, but which by no means involve the certainty of a war. The British view having now been clearly defined in Lord Salisbury's circular, Russia can remain

in doubt no longer, and will probably meet it by a counter-proposal, which I confidently expect will lead to the adoption of a common ground for a permanent peace. This is manifestly for the interest of both the immediate parties, as well as for that of the rest of Europe.

It is believed by some people here that Prince Bismarck has certain purposes in his policy which so far have not been openly exhibited. One supposition is that he covets to annex Holland; another that he desires to extend the German Empire over the German speaking people of Austria. A good reason, among many, why such conjectures are improbable is, that the acquisition of either of these territories would add to the Roman Catholic population of the empire so largely as to overcome his anti-Roman Catholic policy.

Much speculation exists also as to Russia's designs in the far East. It is suggested that these should be counteracted by the transfer of Egypt to Great Britain, which is openly advocated in some journals, and notably by Mr. Dicey, the able editor of the Observer, in this month's number of *The Nineteenth Century*.

Any such intention, however, is not admitted by the British Government, possibly because there are embarrassments connected with the acquisition of Egypt which must first be privately removed.

Notwithstanding the views I have above expressed and which I have formed after such consideration as my limited term of residence here has enabled me to give to the facts of the case, it is proper for me to state that a contrary opinion is held by many persons in well informed circles, who not only believe that war is imminent, but that when it occurs it will not be confined to England and Russia alone.

I have, &c.,

JOHN WELSH.

[Inclosure in No. 58.]

*Further correspondence respecting the affairs of Turkey.*

DISPATCH ADDRESSED BY THE MARQUIS OF SALISBURY TO HER MAJESTY'S EMBASSIES.

FOREIGN OFFICE, April 1, 1878.

MY LORD, SIR: I have received the Queen's commands to request your excellency to explain to the government to which you are accredited the course which Her Majesty's Government have thought it their duty to pursue in reference to the preliminaries of peace concluded between the Ottoman and Russian Governments, and to the European congress which it has been proposed to hold for the examination of that treaty.

On the 14th January, in view of the reports which had reached Her Majesty's Government as to the negotiations for peace which were about to be opened between the Russian Government and the Porte, and in order to avoid any possible misconception. Her Majesty's Government instructed Lord A. Loftus to state to Prince Gortschakow that, in the opinion of Her Majesty's Government, any treaty concluded between the Government of Russia and the Porte, affecting the treaties of 1856 and 1871, must be an European treaty, and would not be valid without the assent of the powers who were parties to those treaties.

On the 25th January the Russian Government replied by the assurance that they did not intend to settle by themselves ("isolément") European questions having reference to the peace which is to be made ("Se rattachant à la paix").

Her Majesty's Government having learned that the basis of peace had been arranged between the Turkish and Russian delegates at Kyzanlik, instructed Lord A. Loftus, on the 29th January, to state to the Russian Government that Her Majesty's Government, while recognizing any arrangements made by the Russian and Turkish delegates at Kyzanlik for the conclusion of an armistice and for the settlement of bases of peace as binding between the two belligerents, declared that in so far as those arrangements were calculated to modify European treaties and to affect general and British interests, Her Majesty's Government were unable to recognize in them any validity unless they were made the subject of a formal agreement among the parties to the treaty of Paris.

On the 30th January, Lord A. Loftus communicated this declaration to Prince Gortchakow, and his highness replied that to effect an armistice certain bases of peace were necessary, but they were only to be considered as preliminaries and not definite as regarded Europe; and stated categorically that questions bearing on European interests would be concerted with European powers, and that he had given Her Majesty's Government clear and positive assurances to this effect.

On the 4th February the Austrian ambassador communicated a telegram inviting Her Majesty's Government to a conference at Vienna, and Her Majesty's Government at once accepted the proposal.

On the 5th February, his excellency addressed a formal invitation to Lord Derby, stating that:

"L'Autriche-Hongrie, en sa qualité de puissance signataire des actes internationaux qui ont eu pour objet de régler le système politique en Orient, a toujours réservé, en présence de la guerre actuelle, sa part d'influence sur le règlement définitif des conditions de la paix future.

"Le Gouvernement Impérial de la Russie, auquel nous avons fait part de ce point de vue, l'a pleinement apprécié.

"Aujourd'hui que des préliminaires de paix viennent d'être signés entre la Russie et la Turquie, le moment nous semble venu d'établir l'accord de l'Europe sur les modifications qu'il deviendrait nécessaire d'apporter aux traités susmentionnés.

"Le mode le plus apte à amener cette entente nous paraît être la réunion d'une conférence des puissances signataires du traité de Paris de 1856, et du protocole de Londres de 1871."

On the 9th instant the Austrian Government proposed that instead of the conference at Baden-Baden, as previously contemplated, a congress should be assembled at Berlin. Her Majesty's Government replied that they had no objection to the change, but that they considered "that it would be desirable to have it understood in the first place that all questions dealt with in the treaty of peace between Russia and Turkey should be considered a subject to be discussed in the congress; and that no alteration in the condition of things previously established by treaty should be acknowledged as valid until it has received the assent of the powers."

On the 12th March Count Beust was told that Her Majesty's Government must be perfectly clear on the points mentioned in the letter to him on the 9th instant before they could definitely agree to go into congress.

On the 13th Her Majesty's Government explained further the first condition:

"That they must distinctly understand, before they can enter into congress, that every article in the treaty between Russia and Turkey will be placed before the congress, not necessarily for acceptance, but in order that it may be considered what articles require acceptance or concurrence by the several powers, and what do not."

On the 14th the Russian ambassador communicated the following telegram from Prince Gortchakow:

"Toutes les grandes puissances savent déjà que le texte complet du traité préliminaire de paix avec la Porte leur sera communiqué dès que les ratifications auront été échangées, ce qui ne saurait tarder. Il sera simultanément publié ici. Nous n'avons rien à cacher."

On the 17th Lord A. Loftus reported that he had received the following memorandum from Prince Gortchakow:

"In reply to communication made by Lord A. Loftus of the dispatch by which Lord Derby has replied to the proposal of Count Beust relating to the meeting of the congress at Berlin, I have the honor to repeat the assurance which Count Schouvaloff has been already charged to give to Her Majesty's Government, viz, that the preliminary treaty of peace concluded between Russia and Turkey shall be textually communicated to the great powers before the meeting of the congress, and that in the congress itself each power will have the full liberty of its appreciations and of its actions."

In a dispatch received on the 18th Lord A. Loftus stated that Prince Gortchakow had said to him that of course he could not impose silence on any member of the congress, but he could only accept a discussion on those portions of the treaty which affected European interests.

Lord Derby having asked Count Schouvaloff for a reply from Prince Gortchakow, his excellency informed him, on the 19th, that he was "charged to represent to Her Majesty's Government that the treaty of peace concluded between Russia and Turkey—the only one which existed, for there was no secret engagement—would be communicated to the Government of the Queen in its entirety, and long before ('bien avant') the assembling of the congress. The Government of the Queen, in like manner as the other great powers, reserved to themselves at the congress their full liberty of appreciation and action. This same liberty, which she did not dispute to others, Russia claimed for herself. Now, it would be to restrict her, if, alone among all the powers, Russia contracted a preliminary engagement."

On the 21st Lord Derby replied that Her Majesty's Government could not recede from the position already clearly defined by them, that they must distinctly understand,

before they could enter into congress, that every article in the treaty between Russia and Turkey would be placed before the congress, not necessarily for acceptance, but in order that it might be considered what articles required acceptance or concurrence by the other powers, and what did not.

Her Majesty's Government were unable to accept the view now put forward by Prince Gortchakow, that the freedom of opinion and action in congress of Russia more than any other power would be restricted by this preliminary understanding.

Her Majesty's Government therefore desired to ask whether the Government of Russia were willing that the communication of the treaty *en entier* to the various powers should be treated as a placing of the treaty before the congress, in order that the whole treaty, in its relation to existing treaties, might be examined and considered by the congress.

On the 26th Count Schouvaloff wrote to Lord Derby that the imperial cabinet deemed it its duty to adhere to the declaration which he was ordered to make to the Government of the Queen, and which was stated in the letter which he had the honor to address to him, dated the 19th March.

As different interpretations had been given to the "liberty of appreciation and action" which Russia thought it right to reserve to herself at the congress, the imperial cabinet defined the meaning of the term in the following manner: "It leaves to the other powers the liberty of raising such questions at the congress as they might think it fit to discuss, and reserves to itself the liberty of accepting or not accepting the discussion of these questions."

Her Majesty's Government deeply regret the decision which the Russian Government have thus announced.

How far the stipulations of the treaty of San Stefano would commend themselves as expedient to the judgment of the European powers it is not at present possible to decide. But even if a considerable portion of them were such as were likely to be approved, the reservation of a right, at discretion, to refuse to accept a discussion of them in a congress of the powers would not on that account be the less open to the most serious objection. An inspection of the treaty will sufficiently show that Her Majesty's Government could not, in a European congress, accept any partial or fragmentary examination of its provisions. Every material stipulation which it contains involves a departure from the treaty of 1856.

By the declaration annexed to the first protocol of the conference held in London in 1871, the plenipotentiaries of the great powers, including Russia, recognized "that it is an essential principle of the law of nations that no power can liberate itself from the engagements of a treaty, nor modify the stipulations thereof, unless with the consent of the contracting powers, by means of an amicable arrangement."

It is impossible for Her Majesty's Government, without violating the spirit of this declaration, to acquiesce in the withdrawal from the cognizance of the powers of articles in the new treaty which are modifications of existing treaty engagements, and consistent with them.

The general nature of the treaty, and the combined effect of its several stipulations upon the interests of the signatory powers, furnish another and a conclusive reason against the separate discussion of any one portion of those stipulations apart from the rest.

The most important consequences to which the treaty practically leads are those which result from its action as a whole upon the nations of Southeastern Europe. By the articles erecting the New Bulgaria, a strong slave state will be created under the auspices and control of Russia, possessing important harbors upon the shores of the Black Sea and the Archipelago, and conferring upon that power a preponderating influence over both political and commercial relations in those seas. It will be so constituted as to merge in the dominant slave majority a considerable mass of population which is Greek in race and sympathy, and which views with alarm the prospect of absorption into a community alien to it not only in nationality but in political tendency and in religious allegiance.

The provisions by which this new state is to be subjected to a ruler whom Russia will practically choose, its administration framed by a Russian commissary, and the first working of its institutions commenced under the control of a Russian army, sufficiently indicate the political system of which in future it is to form a part. Stipulations are added which will extend this influence even beyond the boundaries of the New Bulgaria. The provision, in itself highly commendable, of improved institutions for the populations of Thessaly and Epirus, is accompanied by a condition that the law by which they are to be secured shall be framed under the supervision of the Russian Government. It is followed by engagements for the protection of members of the Russian Church, which are certainly not more limited in their scope than those articles of the treaty of Kainardji, upon which the claims were founded which were abrogated in 1856.

Such stipulations cannot be viewed with satisfaction either by the Government of Greece, or by the powers to whom all parts of the Ottoman Empire are a matter of

common interest. The general effect of this portion of the treaty will be to increase the power of the Russian Empire in the countries and on the shores where a Greek population predominates, not only to the prejudice of that nation, but also of every country having interests in the east of the Mediterranean Sea. The territorial severance from Constantinople of the Greek, Albanian, and Slavonic provinces which are still left under the Government of the Porte will cause their administration to be attended with constant difficulty, and even embarrassment, and will not only deprive the Porte of the political strength which might have arisen from their possession, but will expose the inhabitants to a serious risk of anarchy.

By the other portions of the treaty analogous results are arrived at upon other frontiers of the Ottoman Empire.

The compulsory alienation of Bessarabia from Roumania, the extension of Bulgaria to the shores of the Black Sea, which are principally inhabited by Mussulmans and Greeks, and the acquisition of the important harbor of Batoum, will make the will of the Russian Government dominant over all the vicinity of the Black Sea. The acquisition of the strongholds of Armenia will place the population of that province under the immediate influence of the power which holds them; while the extensive European trade which now passes from Trebizond to Persia will, in consequence of the cessions in Kurdistan, be liable to be arrested at the pleasure of the Russian Government by the prohibitory barriers of their commercial system.

Provision is made for an indemnity, of which the amount is obviously beyond the means of Turkey to discharge, even if the fact be left out of account that any surplus of its revenues is already hypothecated to other creditors. The mode of payment of this indemnity is left, in vague language, to ulterior negotiations between Russia and the Porte. Payment may be demanded immediately, or it may be left as an undetermined and unredeemable obligation too weigh down the independence of the Porte for many years. Its discharge may be commuted into a yet larger cession of territory, or it may take the form of special engagements subordinating in all things the policy of Turkey to that of Russia. It is impossible not to recognize in this provision an instrument of formidable efficacy for the coercion of the Ottoman Government, if the necessity for employing it should arise.

Objections may be urged, individually, against these various stipulations; and arguments, on the other hand, may possibly be advanced to show that they are not individually inconsistent with the attainment of the lasting peace and stability which it is the highest object of all present negotiations to establish in the provinces of European and Asiatic Turkey. But their separate and individual operation, whether defensible or not, is not that which should engage the most earnest attention of the signatory powers. Their combined effect, in addition to the results upon the Greek population and upon the balance of maritime power which have been already pointed out, is to depress, almost to the point of entire subjection, the political independence of the Government of Constantinople.

The formal jurisdiction of that government extends over geographical positions which must, under all circumstances, be of the deepest interest to Great Britain. It is in the power of the Ottoman Government to close or to open the straits, which form the natural highway of nations between the Egean Sea and the Euxine. Its dominion is recognized at the head of Persian Gulf, on the shores of the Levant, and in the immediate neighborhood of the Suez Canal. It cannot be otherwise than a matter of extreme solicitude to this country that the government to which this jurisdiction belongs should be so closely pressed by the political outposts of a greatly superior power that its independent action, and even existence, is almost impossible. These results arise, not so much from the language of any single article in the treaty, as from the operation of the instrument as a whole. A discussion limited to articles selected by one power in the congress would be an illusory remedy for the dangers to English interests and to the permanent peace of Europe, which would result from the state of things which the treaty proposes to establish.

The object of Her Majesty's government at the Constantinople conference was to give effect to the policy of reforming Turkey under the Ottoman Government, removing well-grounded grievances, and thus preserving the empire until the time when it might be able to dispense with protective guarantees.

It was obvious that this could only be brought about by rendering the different populations so far contented with their position as to inspire them with a spirit of patriotism, and make them ready to defend the Ottoman Empire as loyal subjects of the Sultan.

This policy was frustrated by the unfortunate resistance of the Ottoman Government itself, and, under the altered circumstances of the present time, the same result cannot be attained to the same extent by the same means. Large changes may, and no doubt will, be requisite in the treaties by which Southeastern Europe has hitherto been ruled.

But good government, assured peace, and freedom for populations to whom those blessings have been strange, are still the objects which this country earnestly desires

to secure. In requiring a full consideration of the general interests which the new arrangements threaten to affect, Her Majesty's Government believe that they are taking the surest means of securing those objects. They would willingly have entered a congress in which the stipulations in question could have been examined as a whole, in their relation to existing treaties, to the acknowledged rights of Great Britain and of other powers, and to the beneficent ends which the united action of Europe has always been directed to secure.

But neither the interests which Her Majesty's Government are specially bound to guard, nor the well-being of the regions with which the treaty deals, would be consulted by the assembling of a congress whose deliberations were to be restricted by such reservations as those which have been laid down by Prince Gortchakow in his most recent communication.

Your excellency will read this dispatch to the minister for foreign affairs and give him a copy of it.

I am, &c.,

SALISBURY.

No. 174.

*Mr. Welsh to Mr. Evarts.*

[Telegram.]

LONDON, April 15, 1878.

EVARTS, *Washington:*

Chancellor of the exchequer wishes to know if you consider England commits herself to a double standard by joining silver conference.

WELSH, *Minister.*

No. 175.

*Mr. Evarts to Mr. Welsh.*

[Telegram.]

WASHINGTON, April 16, 1878.

WELSH, *Minister, London:*

This government does not consider attendance upon the conference as committing any nation beyond a consultation upon the subject, leaving each free in its conclusions and further action.

EVARTS, *Secretary.*

No. 176.

*Mr. Welsh to Mr. Evarts.*

[Telegram.]

LONDON, June 14, 1878.

I submit the reply of the Government of Great Britain, which I received last night from the foreign office, hoping that the President will so modify his invitation as to include the consideration of the standards of currency used in various countries with a view to the adoption of a uniform and universal system, in which case Great Britain will be represented at the conference, and probably the other nations which have not accepted the invitation.

Reply is as follows :

I have the honor to acquaint you that Her Majesty's Government have given their careful consideration to the invitation, contained in your note of the 2d of April last, for their participation in an international congress for the purpose of adopting a common system of bi-metallic currency.

I have now to state, while Her Majesty's Government are unable to hold out the slightest prospect that England will depart from the policy in respect to currency questions which she has pursued for sixty years, nevertheless, in other parts of Her Majesty's dominions other systems prevail.

In view of this circumstance Her Majesty's Government are quite willing to attend a conference called by the United States Government to consider freely in all its bearings the subject of the standards of currency used in various countries, and the relations which exist or can be established between them.

I have, therefore, the honor to state that Her Majesty's Government would be glad to learn from you whether the terms of the invitation of the United States Government could be modified so as to enable Her Majesty's Government to accept it without departing from the view I have indicated.

WELSH.

No. 177.

*Mr. Welsh to Mr. Erarts.*

No. 93.]

LEGATION OF THE UNITED STATES,  
*London, June 15, 1878. (Received June 26.)*

SIR : I have the honor herewith to inclose copies of two notes which I have received from Lord Salisbury with reference to the subject of the Liberian Boundary Commission, from which it appears that, it having been ascertained that the Liberian commissioners had not been named, Her Majesty's Government consider that it will be impossible for the commission to meet before the end of the rainy season, and that they have given instructions that Commander Bradford should be informed to this effect.

I have, &c.,

JOHN WELSH.

[Inclosure 1 in No. 93.]

*Lord Salisbury to Mr. Welsh.*

FOREIGN OFFICE, June 6, 1878.

SIR: With reference to the conversation which you had with Mr. Lister on the 21st ultimo, in which you informed him that Commander Bradford, of the United States ship of war Marion, who had been nominated by the United States Government to act as arbitrator on the mixed British and Liberian boundary commission, had reported his arrival at Gibraltar, where he was awaiting instructions as to the time and place of the meeting of the commission, I have the honor to inform you that in consequence of the failure hitherto of the Liberian Government to announce the appointment of their commissioners, Her Majesty's Government are unable to say whether the commission will be enabled to meet this season, and that if this announcement is not very shortly made they believe that it will not be possible for the commission to meet before the autumn of this season.

The governor of Gibraltar has made a communication to this effect to Commander Bradford.

I beg leave to add that if, as appears probable, the commission, in consequence of the delay referred to, should not be able to meet this season, the United States Government and Commander Bradford will at once be informed of the fact, as well as of the time when it is proposed that it should meet after the close of the rainy season.

The place of meeting has not yet been finally decided on, but it will probably be Sierra Leone.

I have, &c.,

SALISBURY.



[Inclosure 2 in No. 98.]

*Lord Salisbury to Mr. Welsh.*

FOREIGN OFFICE, June 8, 1878.

SIR: With reference to my note of the 6th instant on the subject of the Liberian boundary commission, I have the honor to inform you that a telegram has been received from the governor of Sierra Leone stating that he had been informed by the President of Liberia that the Liberian commissioners had not yet been named.

Under these circumstances Her Majesty's Government consider that it will now be impossible for the commission to meet before the end of the approaching rainy season, and I have accordingly requested Her Majesty's secretary of state for the colonies to instruct the governor of Gibraltar to inform Commander Bradford, of the United States sloop Marion, to that effect, and that due notice will be given to him when a time has been definitely fixed for the meeting of the commission.

I further beg leave to acquaint you that the governor of Sierra Leone has informed the President of Liberia of the appointment of Commander Bradford, of the United States sloop Marion, as arbitrator on the commission, and that it is considered desirable that the commissioners should meet at Sierra Leone in the first instance.

I have, &amp;c.,

SALISBURY.

No. 178.

*Mr. Welsh to Mr. Evarts.*

No. 98.]

LEGATION OF THE UNITED STATES,  
London, June 22, 1878. (Received July 3.)

SIR: Referring to my dispatch No. 73, of the 27th of April, last, I have the honor to acquaint you that on the 31st of May last I addressed a note to Lord Salisbury, a copy of which I inclose herewith, upon the subject of the invitation to Great Britain to join the bi-metallic conference which I had sent to Lord Derby on the 2d of April.

It was not until the 13th instant that I received from Mr. Cross, who is in charge of the department of foreign affairs in the absence of Lord Salisbury at Berlin, the formal reply of Her Majesty's Government to this invitation.

I inclose herewith a copy of Mr. Cross's note, although I have already transmitted it to you by cable.

On the 18th instant I received your telegram without date, communicating the President's understanding that the attendance of the British Government at the conference would import no further commitment in respect to its objects than was expressed in the limitations stated in Mr. Cross's note.

I immediately informed Mr. Cross of this by a letter, a copy of which I inclose, and I sent to him also a translation of your telegram.

Since then I have received no communication from him upon the subject.

I have, &amp;c.,

JOHN WELSH.

[Inclosure 1 in No. 98.]

*Mr. Welsh to Lord Salisbury.*

LEGATION OF THE UNITED STATES,  
London, May 31, 1878.

MY LORD: Referring to your note of the 8th ultimo, in reference to the monetary conference proposed by my government, I have the honor to acquaint your lordship

that I received yesterday a telegraphic dispatch from the Assistant Secretary of State, requesting me to telegraph the answer of Great Britain to the proposal, and the date thereof. Will your lordship kindly inform me when it is probable that I may have the pleasure of hearing from Her Majesty's Government in relation to this matter?

I have, &c.,

JOHN WELSH.

[Inclosure 2 in No. 98.]

*Mr. Cross to Mr. Welsh.*

FOREIGN OFFICE, June 11, 1878.

SIR: I have the honor to acquaint you that Her Majesty's Government have given their careful consideration to the invitation contained in your note of the 2d of April last, for their participation in an international congress for the purpose of adopting a common system of bi-metallic currency. I have now to state that while Her Majesty's Government are unable to hold out the slightest prospect that England will depart from the policy in respect to currency questions which she has pursued for sixty years, nevertheless in other parts of Her Majesty's dominions other systems prevail.

In view of this circumstance, Her Majesty's Government are quite willing to attend a conference called by the United States Government to consider freely, in all its bearings, the subject of the standard of currency used in various countries, and the relations which exist or can be established between them.

I have, therefore, the honor to state that Her Majesty's Government would be glad to learn from you whether the terms of the invitation of the United States Government could be modified, so as to enable Her Majesty's Government to accept it without departing from the view I have indicated.

I have, &c.,

RICH. ASSHETON CROSS.

[Inclosure 3 in No. 98.]

*Mr. Welsh to Mr. Cross.*

LEGATION OF THE UNITED STATES,  
London, June 18, 1878.

SIR: Referring to your note of the 11th instant upon the subject of the proposed conference in relation to the standards of currency, I have the honor to acquaint you that immediately upon its arrival, I transmitted a full copy of it by telegraph to Mr. Evarts, and this morning I have received his reply by cable, a copy of which I inclose herewith.

You will not fail to understand from this that my government considers that the willingness of Her Majesty's Government, as expressed in your note, to attend a conference called by the United States Government to consider freely in all its bearings the subject of the standards of currency used in various countries, and the relations which exist or can be established between them, is quite in accordance with the invitation which I had the honor to transmit to the Earl of Derby on the 2d of April last, and that the attendance on the part of Her Majesty's Government at such conference will import no further commitment in respect to the conference and its objects than was expressed in such willingness as communicated to me in your note of the 11th instant.

As this declaration on the part of Mr. Evarts is such a modification of the terms of the invitation as Her Majesty's Government desires, I think that I may consider that Her Majesty's Government has now accepted the invitation, and I shall be happy to learn at your early convenience whether the time and place proposed for the conference meet with your approbation, and beg to ask, also, that you will kindly send to me the names of the gentlemen whom you propose to appoint as delegates.

It will be particularly agreeable to the Government of the United States to know that the discussion of the important questions to be submitted to the conference will be aided by the intelligence and ability of such representatives as Her Majesty's Government may think fit to appoint.

I have, &c.,

JOHN WELSH.

No. 179.

*Mr. Welsh to Mr. Evarts.*

No. 100.]

LEGATION OF THE UNITED STATES,  
*London, June 22, 1878. (Received July 3.)*

SIR: I have the honor to inclose a copy, which I have asked to have furnished to me at the earliest possible moment, of the reports to the Queen of the commissioners appointed by Her Majesty to consider the subject of the laws and treaties relating to the extradition of fugitive criminals.

It gives me great pleasure to state, from the very cursory manner in which I have been able as yet to examine this document, that it recommends substantially the views in regard to this important matter which have always been entertained by the Department of State and by my predecessors at this post.

I have, &amp;c.,

JOHN WELSH.

[Inclosure in No. 100.]

*Royal commission on extradition.—Report of the commissioners.*

## COMMISSION.

VICTORIA R.

Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the faith, to Our right trusty and well-beloved Councillor Sir Alexander James Edmund Cockburn, Bart., Knight Grand Cross of Our Most Honourable Order of the Bath, Lord Chief Justice of England; Our right trusty and well-beloved Councillor Roundell, Baron Selborne; Our right trusty and well-beloved Councillor Colin, Baron Blackburn, one of Our Lords of Appeal in Ordinary; Our right trusty and well-beloved Councillor Russell Gurney, Recorder of Our city of London; Our right trusty and well-beloved Councillor Sir Richard Baggallay, Knt., One of Our Ordinary Judges of Our Court of Appeal; Our right trusty and well-beloved Councillor Sir William Baliol Brett, Knt., one of Our Ordinary Judges of Our Court of Appeal; Our trusty and well-beloved Sir John Rose, Bart., Knight Commander of Our Most Distinguished Order of Saint Michael and Saint George; Our trusty and well-beloved Sir James Fitzjames Stephen, Knight Commander of Our Most Exalted Order of the Star of India, one of Our Counsel learned in the Law; Our trusty and well-beloved Sir William George Granville Vernon Harcourt, Knt., one of Our Counsel learned in the Law; and Our trusty and well-beloved William Torrens McCullagh Torrens, Esq., Bachelor of Laws, greeting:

Whereas We have deemed it expedient that a Commission should forthwith issue to inquire into and consider the working and effect of the Law and Treaties relating to the Extradition of Persons accused of Crime:

Now know ye, that We, reposing great trust and confidence in your knowledge and ability, have authorised and appointed, and do by these presents authorise and appoint you, the said Sir Alexander James Edmund Cockburn; Roundell, Baron Selborne; Colin, Baron Blackburn; Russell Gurney; Sir Richard Baggallay; Sir William Baliol Brett; Sir John Rose; Sir James Fitzjames Stephen; Sir William George Granville Vernon Harcourt; and William Torrens McCullagh Torrens, to be Our Commissioners for the purposes aforesaid:

And for the better effecting the purposes of this Our Commission, We do by these presents give and grant unto you, or any three or more of you, full power and authority to call before you such persons as you shall judge likely to afford you any information upon the subject of this Our Commission, and also to call for, have access to, and examine all such books, documents, registers, and records, as may afford the fullest information on the subject, and to inquire of and concerning the premises by all other lawful ways and means whatsoever:

And We do by these presents will and ordain that this Our Commission shall continue in full force and virtue, and that you, Our said Commissioners, or any three or more of you, may from time to time proceed in the execution thereof, and of every matter and thing therein contained, although the same be not continued from time to time by adjournment:

And We further ordain that you, or any five or more of you, may have liberty to report your proceedings under this Commission from time to time, if you shall judge it expedient so to do:

And Our further will and pleasure is that you do, with as little delay as possible, report to Us, under your hands and seals, or under the hands and seals of any five or more of you, your opinion upon the several points herein submitted for your consideration:

And for your assistance in the execution of this Our Commission, We have made choice of Our trusty and well-beloved George Edward March, Esq., to be Secretary to this Our Commission, and to attend you, whose services and assistance We require you to use from time to time, as occasion may require.

Given at Our Court at St. James's, the eighteenth day of August, 1877, in the Forty-first Year of Our Reign.

By Her Majesty's Command.

RICHD. ASSHETON CROSS.

#### ADDITIONAL COMMISSION.

VICTORIA R.

Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the faith, to Our trusty and well-beloved Alfred Henry Thesiger, Esq. (commonly called The Honourable Alfred Henry Thesiger), one of Our Counsel learned in the Law, greeting:

Whereas We did by Warrant, under Our Royal Sign Manual, bearing date the eighteenth day of August, one thousand eight hundred and seventy-seven, authorise and appoint Our right trusty and well-beloved Councillor Sir Alexander James Edmund Cockburn, Baronet, Knt. Grand Cross of Our Most Honourable Order of the Bath, Lord Chief Justice of England, together with the several Noblemen and Gentlemen therein named, or any three or more of them, to be Our Commissioners to inquire into and consider the working and effect of the Law and Treaties relating to the Extradition of Persons accused of Crime:

Now know ye, that We, reposing great trust and confidence in your zeal, discretion, and ability, have authorised and appointed, and do by these presents authorise and appoint you, the said Alfred Henry Thesiger, to be a Commissioner for the purposes aforesaid, in addition to and together with the Commissioners whom We have already appointed by the above-mentioned Royal Warrant:

Given at Our Court at St. James's, the third day of September 1877, in the Forty-first Year of Our Reign.

By Her Majesty's Command.

RICHD. ASSHETON CROSS.

#### REPORT.

To the Queen's most Excellent Majesty:

By Your Majesty's commission we are directed to inquire into and consider the working and effect of the law and treaties relating to the extradition of persons accused of crime. Having inquired into and considered the subject so referred to us, we humbly submit to Your Majesty the following report:

1. The extradition of fugitive criminals is founded on a twofold motive:

1. That it is the common interest of mankind that offenses against person and property, offenses which militate against the general well-being of society, should be repressed by punishment, as the means of deterring others from committing, as well as of deterring the criminal himself from repeating the offense, as also of disabling the offender, either permanently or temporarily, from further crime.

2. That it is to the interest of the state into whose territory the criminal has come that he shall not remain at large therein, inasmuch as from his past conduct it may reasonably be anticipated that, if opportunity offers, he will again be guilty of crime. No state can desire that its territory should become a place of refuge for the malefactors of other countries. It is obviously its interest to get rid of them.

On the first of these grounds we may reasonably claim from all civilized nations that they shall unite with us in a system which is for the common benefit of all; in other words, that they shall concede to us reciprocity in the matter of extradition. But, looking to the second and narrower ground, it seems to us that, even if any state should fail to concede full reciprocity, there is no principle which should make this country unwilling to surrender, and so to get rid of, the fugitive subjects of other states who have been guilty of crime, and whose surrender is asked for.

We would, therefore, suggest that extradition treaties with other states, which appear to be practically of use only for the purpose of insuring reciprocity, should no longer be held to be indispensable, and that, while the power in the Crown of entering into extradition treaties with other nations, as now existing by statute, should still be retained, statutory power should be given to the proper authorities to deliver up

fugitive criminals whose surrender is asked for, irrespectively of the existence of any treaty between this country and the state against whose law the offense has been committed. It is as much to our advantage that such criminals should be punished, and that we should get rid of them, as it is to that of the foreign state that they should be brought within the reach of its law.

Inasmuch, however, as treaties may sometimes be necessary (by the laws or constitution of foreign states) to enable effect to be given to conditions on which the government of this country may properly insist, and as it might in other cases prove an obstacle to negotiations for treaties or extradition arrangements, into which the government of this country might think it desirable to enter, if this general statutory power were made applicable to all other countries, without the exercise of any option or discretion by the Crown, it may be expedient to provide that the act shall extend only to those foreign states to which it may from time to time by order in council be declared to apply. It may be assumed that such order in council would be made, whenever there was a treaty or other binding arrangement with a foreign state; and also whenever the British Government was satisfied that provision was sufficiently made by the law of a foreign state for all the objects on which it might be deemed the duty or the policy of this country to insist.

II. With reference to both the principles to which we have adverted, it is obviously immaterial whether the fugitive criminal is a subject of the state demanding his surrender, or a subject of the country from which it is claimed. The matter is not, however, altogether free from difficulty, and in most of the existing treaties a stipulation is contained that a fugitive criminal, if a subject of the state in which he is found, shall not be surrendered in respect of a crime committed in the other state.

In favor of such a provision it is said that a man should not be withdrawn from his natural judges; that the state owes to its subjects the protection of its laws, and that it fails in this duty if it hands over any of them to a foreign jurisdiction, and thus deprives them of the guarantees afforded by the law of their own country; that it is impossible to place entire confidence in the justice of a foreign state, especially with regard to the subjects of another country; and that it is a serious disadvantage to a man to be tried in a foreign language, and where he is separated from his friends and his resources, and from those who could bear witness to his previous life and character. It is, therefore, contended that there should be power to try in his own country a person charged with having committed a crime in another; and that he should be tried there, instead of being surrendered to the foreign state for trial.

To this it may be answered, first, that if every criminal offense committed by a British subject within any foreign jurisdiction is to be triable and punishable here, as if it had been committed in England, this would require a most extensive change in our whole system of criminal law, which has hitherto admitted that principle in a very few cases only, depending upon special reasons, and has never recognized the duty or accepted the responsibility of exercising a general control for purposes of police or punishment over the actions of British subjects in foreign countries. Furthermore, if this argument be good for anything, every man charged with an offense in a country of which he is not a subject should, by a common arrangement between the different governments, be sent home to be tried, instead of being tried where the offense was committed; and this, though the laws of the two countries might be essentially different in respect of the quality and degree of the crime; and it should, therefore, be made competent to a person so charged to claim to be sent home for the purpose of trial—a proposition too extravagant to be entertained. The offense is an offense against the law of the country in which it is alleged to have been committed. A person commorant in a foreign country owes obedience to its law in return for the protection which it affords him as much as if he were one of its proper subjects. Why, because he has escaped beyond the jurisdiction of that law, should an offender whose surrender is asked for be in a different position from that in which he would have been in the country from which he has escaped? Extradition, as a system, is based on the supposition that in the great majority of instances the persons whose surrender is claimed have, in fact, violated the law of the country demanding the surrender. The instances in which the surrender of an innocent person may be demanded will be exceedingly rare. With the safeguards which we shall advert to further on, the possibility of an innocent man being unjustly dealt with will be remote in the extreme.

As regards the suggestion that confidence cannot be placed in the justice of foreign tribunals, it is obvious that, when we are inviting other nations to unite with us in a system of extradition, any restriction which implies a doubt of the competency or justice of their tribunals involves a striking inconsistency. Extradition is based on mutual confidence in the administration of justice by the courts of both nations. It proceeds on the assumption that impartial justice will be done to the party surrendered. We should be unwilling to surrender even a foreigner on any other assumption. It would be an affront to any nation to assume that when a foreigner is charged with an offense against its law its tribunals would not do justice to such for-

signer as equally and impartially as would be done in the case of one of its own subjects. We know that in our own country a foreigner charged with an offense receives the same measure of justice as a natural-born subject. When the surrender of one of our subjects is asked for, we are not entitled to assume that he will not be dealt with fairly when surrendered. The alternative being, as should not be forgotten, that a criminal may otherwise escape with impunity, we must assume in all confidence that one of our subjects will find the same impartiality at the hands of a foreign tribunal as a foreigner would find in one of ours, and must act on that assumption in the belief that our expectation will not be disappointed.

As regards the matter of convenience, there can be no question as to which is the better system. It is the law of the foreign country which is alleged to have been broken. It is by that law that the fact as well as the degree of criminality and the measure of punishment should be determined. It is by those who have to administer that law alone that these questions can be properly decided.

Moreover, the witnesses are in the foreign country, and can only be brought to that of the accused at greatly increased expense and inconvenience. It is true that their evidence may be taken where they are and transmitted in a written form. But this is by no means a satisfactory mode of proceeding in the administration of criminal justice; besides which, such a mode of proceeding would obviously be attended with serious disadvantage to the accused, inasmuch as the evidence will have been taken behind his back, without any opportunity for cross-examination or inquiry as to the character or credibility of the witnesses; all which may well be deemed to counterbalance any disadvantage which may arise from his being tried out of his own country.

On the whole, we are of opinion that the stipulation in question is unnecessary and inexpedient, and we recommend that it should be omitted in future treaties; and that endeavors should be made to have the existing treaties modified in this respect.

III. As to the offenses which should be the subject of extradition:

Extradition should embrace all those offenses which it is the common interest of all nations to suppress; that is to say, offenses against person and property, including in the latter category cases of fraud the purpose of which is to obtain property or money, offenses against the bankrupt laws, forgery, and offenses relating to coinage. To these it should be confined, to the exclusion of offenses of a political or local character.

It is true that it is to the interest of every nation that by the submission of its subjects to the constituted government internal peace and order shall be maintained. But one nation can scarcely be said to have such an interest in the particular form of government, or in the particular ruling dynasty, of another as that it should be called upon to make common cause with it against political offenders. And however odious the character of the rebel who disturbs the peace of his own country and gives rise to bloodshed and disorder from interested motives or reckless disregard of the miseries attendant on civil discord, yet both from history and our own experience we know that there are exceptional instances, in which resistance to usurpation or tyranny may be inspired by the noblest motives, and in which, though unsuccessful, it may escape condemnation, and even command sympathy. It must always be difficult for a foreign nation, when political dissensions occur in another, to judge between the contending parties. Nay, such foreign nation itself may be divided in its views as to the merits or demerits of the particular cause. Influenced it may be by such considerations, the general sentiment of mankind is against the surrender of the political exile to death or other grievous punishment. To have lost his country for which he has been risking life is no small loss to such a man, no light punishment for what he may have done, and he may be suffered to rest in peace in his place of refuge. The principle hitherto adopted in the matter of extradition of excluding offenses of a political character should therefore be maintained.

But it becomes a very different thing when, in furtherance of some political or pretended political purpose, some foul crime, such as assassination or incendiarism, is committed. Thus attempts by conspirators to assassinate a reigning sovereign—regardless, perhaps, that in doing so other lives may be sacrificed—or the setting fire to a prison at the risk of burning all those within it, or the murder of the police for the purpose of rescuing prisoners in custody for political offenses are crimes, in respect of which—though the motive was a political one—we cannot think that any immunity should be afforded. Civil war and insurrection take place openly in the face of day, and may or may not be justified or excused by circumstances; but assassination or other forms of revolting crime lose none of their atrocity from their connection with political motive.

Generally speaking, we would, therefore, decline to recognize the suggestion of a political motive as a ground on which a magistrate or judge should refuse a demand for the surrender of a person accused of what (in the absence of such motive) would be an ordinary crime, unless the act, to which a political character was sought to be ascribed, occurred during a time of civil war or open insurrection. Cases, however, may occur in which it would be undesirable to surrender a person accused of a crime instigated by a political motive, even though a magistrate or judge could not pro-

nounce that there existed either civil war or open insurrection, and consequently could not discharge the accused as of right. To meet this possibility a discretionary power in favor of the prisoner should be reserved to the government to refuse to deliver up a person so accused.

IV. The exclusion which we have proposed of all offenses against local laws and regulations would exclude laws of purely local interest, such as, for instance, laws relating to military or naval service, laws relating to religion, laws relating to the duties of public officers, police regulations, and the like.

V. Next as to the quality and degree of the crimes which should be the subject of extradition.

We can see no rational ground for any limitation beyond those just referred to. With regard to all others, it may safely be assumed that a foreign government will not seek to obtain the surrender of an offender for a merely trivial offense. It is equally reasonable to suppose that an offender will not become a fugitive from his country, unless to escape the punishment due to an offense of a serious character. We would therefore authorize extradition in respect of all offenses against either person or property, indictable under our law, without reference to the degree of criminality involved in the particular charge. Confining extradition to offenses against person and property, we see no necessity for any distinction between felony and misdemeanor, or for the selection of particular offenses as alone of sufficient importance to warrant the surrender of criminals. With a view, however, to certainty and precision, it becomes desirable that the offenses, in respect of which extradition may be claimed, should be specified and enumerated.

VI. If the question be asked, whether we should refuse to give up a fugitive where the offense in respect of which the surrender is asked for, though an offense against the law of the country asking it, is not an offense against our own, the answer is involved in what has been already said. The crimes in respect of which nations should make common cause against criminals, and refuse them shelter, are those which it is the common interest of all to repress. There are offenses against society in respect of person and property which in all countries there will always be found persons disposed to commit, and which can only be kept under by the strong arm of the law. It is these offenses which it should be the common purpose of all nations to endeavor to suppress by preventing those who have committed them from escaping from justice. But these offenses are known to and dealt with by the law of all civilized nations, though they may be differently dealt with both as to procedure and punishment. If some offense, unknown to the law of other nations—to what may figuratively be called the common law of nations—should be created by the law of a particular people, such an offense would not come within the category of crimes which it is the purpose of extradition to repress.

If it be asked how it is to be ascertained that the offense charged is known and recognized as an offense, the answer is that our own law will afford a sufficient test, being abundantly comprehensive as to offenses against person and property.

Besides which there is another reason for seeing that the charge in respect of which extradition is asked for is an offense under our own law. It is and always must be necessary that a *prima-facie* case shall be made out before a magistrate in order to support the application for extradition. But the English magistrate cannot be expected to know or interpret the foreign law. It is not desirable that he should be required to do more than to see that the facts proved constitute *prima facie* an offense which would have been within judicial cognizance if done in this country.

At the same time, while holding that the facts charged against the party whose surrender is asked for should constitute an offense by our law, we by no means intend to say that the offense under the foreign law must be the same in point of denomination, or must fall within the same class or category, or be dealt with according to the same procedure, or be subject to the same punishment as it would be under our own. Any such requirement is calculated to create unnecessary difficulty, and may cause obstruction where extradition ought undoubtedly to take place. It being once ascertained that the facts proved constitute an offense coming within the principle of extradition, the particular form and character which the offense assumes must be left to the foreign law, this being the law which is alleged to have been broken, and by which, beyond all question, if the accused is surrendered, his guilt or innocence must be determined. The magistrate, therefore, should be authorized to grant extradition upon sufficient *prima-facie* proof before him of facts which constitute an extradition offense, although the description of the offense in the demand, or in the documents produced in support of it, or the facts therein stated, may not be sufficient to constitute the particular offense to which that description is appropriated by British law; in other words, the magistrate should look to the facts proved before him rather than to the form in which the case may be presented on the documents.

In this respect there can be no distinction between the case of a British subject, if surrendered, and that of a subject of the foreign state. The British subject, while within the foreign state, owes obedience to its law as though he had been one of its

subjects, and as much amenable to that law for a violation of it as a natural-born subject would be.

VII. A question presents itself whether, if a person be surrendered in respect of one extradition offense, he should, when transferred to the country claiming him, be liable to be tried for another. Political and local offenses being excepted, we see no reason why he should not. So far as we are aware, the main ground hitherto put forward for objecting to such a course has been the apprehension that a foreign government, having obtained the surrender of a criminal on an ordinary charge, might put him on his trial for a political offense. If the offenses just referred to be excluded, there seems to be no other case in which it can be suggested that a foreign government would act disingenuously toward ours if it were to put the person surrendered on his trial in respect of a crime which was not the ground of extradition in the particular instance. If there be another accusation against him in respect of a crime which would properly be the subject of extradition, we see no reason why he should not be called upon to answer it. It may be discovered after the surrender that the party surrendered has committed some other offense deserving of punishment; or proofs, previously wanting, of such other offense may be brought to light. We see no reason why under such circumstances the offender should escape with impunity. If the circumstances under which he was given up were such as to call for his surrender, what possible interest, except in the case of the political offender, or the offender against a merely local law, can we have in what becomes of him afterward? We should not be warranted in assuming that he will be dealt with in the foreign country otherwise than according to justice and right. Again, what is it that we are supposed to be entitled to claim under such circumstances? It can only be that the party shall be set at large, or restored to this country, when, on the evidence which would be available on the second trial, his surrender might again be claimed from this or any other country bound by an extradition treaty, and, if claimed, must be conceded.

The case is no doubt possible, that a person whose surrender was asked for on an ordinary charge might be put on his trial for a political or local offense. But such a case is not likely to occur. In the first place, it being known that this country refuses to deliver up persons charged with such offenses, if a foreign government were to obtain the surrender of a prisoner on the pretense of trying him for an offense in respect of which extradition can be claimed, for the purpose of trying him for an offense in respect of which it cannot; or, having obtained his surrender in respect of one of the former class, should take the opportunity of proceeding against him on one of the latter, its conduct would be disingenuous and dishonest, and would give rise to well-founded and serious complaint on the part of the government of this country. But such a proceeding may easily be guarded against. It should be expressly stipulated in any treaties entered into that a person surrendered on a particular charge should not be tried for any other offense, unless of an extradition character; and in all cases in which the surrender takes place otherwise than under treaty the surrender should be made on the same condition. As regards political offenders, such a case would not present itself without its being known that there had been political disturbances in the country claiming the surrender; nor, if the alleged offender were a notable person, without its being known that he had made himself obnoxious to the government claiming him.

It is true that, with regard to obscure individuals who might, if acquitted of the crime for which they are delivered up, run the risk of being tried, or detained without trial, on account of offenses against political or local laws, neither the government nor the magistrates in this country would be likely to know anything. The accused individual himself, however, cannot be ignorant that there is such a risk. It seems, therefore, desirable that the accused should have full opportunity to show, not only that there is not a sufficient case for surrendering him to be tried for the crime in respect of which his surrender is demanded, but also that it is intended, in case of his surrender, to try or arbitrarily punish him for some offense for which he could not be surrendered; or at least that there is a risk that, if he is surrendered, he may be tried, punished, or detained for such an offense.

There could, indeed, seldom be strict legal evidence such as would justify a magistrate, or a court of law on *habeas corpus*, in finding that there was such an intention; and an enactment that the accused person shall not be surrendered if such an intent be proved would, therefore, probably not be of much use, except for the purpose of satisfying the reasonable jealousy of our own people; but there seems no objection to such an enactment unless it be that it might offend the susceptibilities of foreign countries.

The real practical remedy seems to be that the accused should have a right to demand an inquiry; on which inquiry there should be no restriction on the kind of evidence to be received, except that imposed by common sense; and that if the result of that inquiry should be that in the opinion of the government a proper case has been made out, discretion should be given to the government in favor of the accused, either to refuse to deliver him up at all, or to require, before delivering him up, a specific



engagement from the foreign government that if acquitted of the crime for which he is demanded, or when he has suffered the punishment of that crime, he shall be at liberty to quit the country to which he has been surrendered. Such an engagement would probably seldom be refused. It may safely be assumed that no foreign government would be so lost to a sense of its own honor and interest as to violate a pledge so given. If it were, the order in council enabling a surrender to that foreign government should at once be revoked.

If these or similar precautions are adopted, there seems no reason why the foreign government should, as a general rule, be required to engage not to try the person for any other extradition crime than the one in respect of which his surrender was obtained. It is obviously a serious objection to such a restriction that, if a person has been guilty of more than one extradition offense, either the foreign government must bring to this country evidence of every crime which may be charged against the accused, the delay and expense of which would be very great, or the offender would escape in respect of all other crimes committed by him save the one on which he was surrendered. Moreover, it may well happen that the evidence of the one crime does not come out till the trial of the other.

The proposal that, before putting the person surrendered upon trial for another extradition offense, the consent of the surrendering government should be required, seems objectionable, not only as occasioning expense and trouble to the prosecutors, but as entailing on the accused a detention in prison while the two governments are negotiating. If the prisoner should be ultimately acquitted, this might be a serious hardship. And its sole object seems to be to provide against a remote possibility of wrong, which, if the precautions above suggested are taken, would be sufficiently excluded.

VIII. The existing statutes do not contain any provisions respecting the procedure to be adopted in this country when application is about to be made to a foreign state for the surrender of an alleged criminal to Great Britain; and we learn from Sir James Ingham that the want of such provisions is sometimes a source of difficulty and inconvenience. It is the usual (and, in our opinion, the proper) course for a warrant for the arrest of the accused person to be applied for and granted upon a sworn information; which, although sufficient to justify the British magistrate in issuing the warrant, may not (even in those cases in which it is necessary or proper to proceed on *ex-parte* evidence) be deemed sufficient to authorize the surrender by the foreign state. We think it is desirable that in all cases the evidence in support of the charge should be made as complete as possible before the warrant is granted; but, for the purpose of supplying any accidental or unavoidable omissions in that evidence, we think the British magistrate should have power (which he is not now considered to possess) to receive and certify any supplementary depositions which may be offered to be sworn before him, and which the foreign jurisdiction may be willing to receive, *after* as well as *before* the issue of the warrant. We recommend that provision for this purpose as well as for regulation of the procedure before British magistrates in cases where extradition is to be obtained from another country, in accordance with the practice of which we have expressed our approval, should be made by law.

IX. A cognate subject, to which (though it may not come strictly within the scope of our commission) we think it right to advert, is that of the means of following, from one part of Her Majesty's dominions into another, fugitive offenders, who have escaped from the jurisdiction within which their offenses were committed, and ought to be tried. No sufficient means for this purpose are now provided by law; and it is obviously desirable that this defect should be supplied. Inasmuch, however, as we are informed that this subject has recently been, and is still, under the careful consideration of Her Majesty's government, we do not think it necessary to dwell upon it any further.

X. A valuable auxiliary in detecting crime and also in frustrating its purpose is, as is well known, to be found in the power of searching the premises of the accused, or other place to which he may be believed to have transferred stolen property or other *indicia* of crime. And it is frequently essential to the efficacy of such a search that it should be made contemporaneously with, or, indeed, sometimes prior to, the arrest of the alleged offender. In the exercise of his ordinary jurisdiction in respect of a crime committed in this country, a magistrate has authority, upon a sworn information, to issue a search-warrant at any time, whether before, after, or at the time of issuing the warrant for the apprehension of the accused.

In the case of an extradition offense the power of the magistrate, as given by section 9 of the act of 1870, arises only "when the fugitive criminal is brought before him." The effect of which is that in the interval between the apprehension of the accused and his being brought before the magistrate, ample opportunity is afforded to any friend or associate of the prisoner to remove stolen property, which it may be impossible afterwards to recover, or papers or other articles, which, like the stolen property, might afford material evidence of his guilt.

We are of opinion that this defect in the existing statute should be amended, and

that the power of the magistrate in this particular should be put on the same footing in respect of an extradition offense as in respect of an offense committed in this country and coming within his ordinary jurisdiction.

XI. By the third section of the statute referred to, "a fugitive criminal shall not be surrendered until the expiration of 15 days from the date of his being committed to prison to await his surrender"; and by section 11, "if the police magistrate commits a fugitive prisoner to prison, he shall inform such criminal that he will not be surrendered until after the expiration of 15 days, and that he has a right to apply for a writ of *habeas corpus*." We are informed by the chief magistrate that, while applications for extradition are numerous, applications for writs of *habeas corpus* in cases of extradition are rare, and that when information is thus given to the fugitive criminal, as required by the statute, he almost invariably desires that he may be sent off at once. Sir J. Ingham suggests, therefore, that where the fugitive criminal, having been duly informed of the provision in question, declines to avail himself of the opportunity intended to be given him of applying for a writ of *habeas corpus* with a view to his liberation, and desires to be surrendered at once, it should be competent to the magistrate to commit him, and to certify to the Secretary of State that such request has been made, and thereupon the Secretary of State should be enabled to surrender him forthwith. We concur in this suggestion. The only purpose of the statutory provision is to enable a prisoner to obtain the protection of the law, if entitled to it. If he desires to waive the right thus given him, the delay becomes useless to him and vexatious to those asking for his surrender.

XII. Foreign police authorities often make communications to the police authorities in this country by telegram. In this way it becomes known that a foreign warrant has been issued for the apprehension of a person accused of an extradition crime, who either is already in this country, or is expected to come by a ship then on its voyage. There is in such cases no reasonable doubt of the truth of the information thus sent by telegraph; but, as the law now stands, the magistrates and the police in this country cannot legally act until the foreign warrant and the evidence in support of it arrive here, and in the mean time the fugitive has the opportunity of escaping.

To remedy this a power to arrest and detain persons under such circumstances seems to be required.

We would therefore suggest that power should be given to a police magistrate (having reasonable grounds for believing that a person is accused of an extradition crime, and that a requisition for his surrender is about to be made) by his warrant to authorize any constable to arrest such person, and bring him before the magistrate, who should then have power to remand him for a reasonable time, or discharge him, as to him might seem just. To meet the cases, said not to be uncommon, where even the short delay occasioned by applying to a magistrate may be important, power might be given to the home secretary to select in each police district some of the superior police to be authorized to act in such cases. And constables of this class might be authorized, on reasonable grounds of suspicion that a person was a fugitive guilty of an extradition crime, to arrest him without warrant, and bring him forthwith before a justice of the peace, who should have power, as to him might seem just, either to direct the prisoner to be brought at once before a police magistrate, or to remand him, or to discharge him.

Such a power would be useful, and, thus guarded, would not be likely to be abused.

XIII. There is in the law relating to extradition, as it at present exists, a defect, by which extradition is liable to be frustrated, and to which, therefore, we think it necessary to call attention. It is that in the existing statutes no provision is made for dealing with the case of a criminal, who, having been surrendered by one foreign state to another, may be brought into British territory on his way from the one country to the other. A case has recently presented itself, which, though it did not occur on British territory, will fully illustrate what we mean. A man charged with having committed forgery in the United States was surrendered by the Peruvian Government to that of the United States. On his way to the latter country he had to be conveyed across the territory of Colombia. There being no extradition treaty between the Government of Colombia and that of the United States, the prisoner, who having committed no offense against the Colombian law was entitled by that law to his liberty, was set at large by the local authority. The same thing might, under the present law, happen in this country, even though there were an existing treaty between Great Britain and the state to which the surrender had been made, unless, indeed, a fresh demand for the extradition of the criminal were made, and the evidence necessary to support it were forthcoming in this country, which very possibly might not be the case. If, for instance, to take a possible case, a man, surrendered by the French Government to that of Germany or Holland, were landed in this country, to be conveyed by land to a port on our eastern coast, to be thence shipped to his place of destination, the man would be entitled to be set free, unless a case sufficient to found a demand for extradition could at once be established here.

The same thing might happen if a ship, on which the prisoner had been embarked

being either a British ship or a foreign passenger ship, came in the course of transit into our waters. If the vessel were a ship of war it would depend on how far our courts would be prepared to treat such ship as part of the territory of the nation to which she belonged, and, as such, exempt from the jurisdiction of our law.

We recommend that statutory provision should be made to meet such a case, should it occur. With this view we suggest that it should be made competent to any justice of the peace, on the application of any consul of the state to whose officer a prisoner has been surrendered, or of any officer having charge of him, and on production of any warrant or other documents showing that the prisoner has been surrendered on the charge of having committed an extradition offense, to issue a warrant authorizing his detention and transfer through and from British territory to the place to which it is desired to convey him. And, further, that it shall be a sufficient answer to an application for a writ of *habeas corpus* to show, in like manner, by the production of a warrant or other authentic document, that the prisoner has been surrendered in respect of an extradition offense.

We further recommend that endeavors should be made to obtain a corresponding provision in our own favor in treaties between this country and foreign states.

XIV. If our suggestions should be adopted, further legislation will be necessary.

It is desirable that this legislation should be complete in itself. The means provided by the existing acts for the fulfillment of engagements, entered into by this country in any existing treaties, must remain in force for that purpose, so long as those treaties continue. But extradition under future treaties, or the power, if it is thought expedient to give it, of surrendering to foreign governments without any treaty, should be regulated by an act complete in itself without reference to any previous legislation.

It may be assumed that the machinery for putting the act in force, so far as relates to extradition to foreign countries, will be the same in substance as that which is provided by the present acts. But, if the suggestions which we have made are adopted, many of the provisions of those acts (especially such as are contained in sections 2, 3, 4, 9, 11, and 19 of the act of 1870) will require material alteration.

We do not recommend any change in the principle of existing imperial legislation on this subject as regards the colonies and foreign possessions of the Crown, as already contained in the act of 1870.

A. E. COCKBURN.  
SELBORNE.  
BLACKBURN.  
RUSSELL GURNEY.  
RICHARD BAGGALLAY.  
WM. BALIOL BRETT.  
ALFRED HY. THESIGER.  
JOHN ROSE.  
J. F. STEPHEN.  
W. V. HARCOURT.  
W. M. TORRENS (with the exception  
of Section VII, from which I feel com-  
pelled to dissent for the following  
reasons).

GEORGE E. MARCH, *Secretary*.  
MAY 30, 1878.

It is the interest of every civilized government to aid in the apprehension and expulsion of evil-doers, who merely claim its hospitality to escape punishment. But it is not for the honor or interest of the Government of England to be made, unawares, instrumental in the pursuit and capture of fugitives from the resentment of absolute or irresponsible rulers. That such exist we know, and that they desire on various pleas the rendition of those who have offended them, is not a matter of doubt; ostensibly on political or religious grounds a demand of surrender has long ceased to be made. The settled and acknowledged policy of our government on this head may almost be thought to obviate the need of further provision by the legislature against a claim which has grown obsolete. The statute of 1870 was designed to guard against a different and more insidious danger, namely, that of our authorities being made use of to deliver up fugitives who have become the objects of suspicion, espionage, or persecution by arbitrary power, upon the alleged breach of some ordinary law for the protection of property or life. Every facility of primary accusation was meant to be given in the case of a foreigner resident within the realm which the criminal law affords for rendering amenable a native-born subject of the Crown. The same proof *prima facie* was declared to be sufficient, while the just and obvious rule was declaratively enacted that the refugee should only be deported or detained in custody on the production of such evidence as would justify a magistrate in sending for trial any subject of the Queen for a like offense committed here. If the provisions of the act are

in this respect deemed insufficient after seven years' experience of their application, it will be the duty of Parliament to alter and amend them.

But their practical value would be put in jeopardy if the demand made by one government, and by one only in Christendom, were conceded, that they should be so far repealed that when an exile had been surrendered on presumptive proof of complicity in one out of a dozen common misdemeanors, he might, after acquittal on that charge, be kept in custody, with a view to be put upon his trial for some other offense or offenses of which not a shadow of proof had been offered to an English magistrate that he was possibly or probably guilty. Practically this might be misunderstood as an invitation to a foreign government to deprive its subjects of the right of asylum in England, which, time out of mind, all our neighbors have enjoyed, irrespective of creed, race, or local institutions.

Clauses 3 and 19 of the act of 1870 were designed to prevent possible injustice being done to an exile, against whom an accusation may be brought with proof *prima facie* sufficient to warrant his committal here, but whose guilt may not be established upon trial in the foreign country. Our executive government was forbidden by Parliament to give up any foreigner without security by law, or specific agreement, that were a new charge subsequently preferred against him he should again have the protection of the same just and merciful provisions which he had when first accused, and our government was reciprocally directed to forego all claim to detain and try an exile in England on a second charge after he had been duly acquitted on the first.

To repeal this provision would appear to be a waiver by statute of our primary jurisdiction in the matter.

Had we to deal with countries only whose jurisprudence rests upon what England deems the principles of social and political civilization, there would perhaps be little risk in the concession. Criminal justice, as our people understand it, and as our laws and courts interpret it, implies publicity of arraignment, confronting with the accuser, and the weighing of evidence by an irremovable judge, indifferent to the frown of power. It implies the verdict of a fair jury, a record open to legal scrutiny, and the fearless criticism of an unfettered press. In America, France, and other constitutional states, the hazard may be considered comparatively slight of any grave hardship arising from allowing a fugitive once surrendered to be twice or thrice indicted for different crimes.

But the law of 1870 was framed to meet other circumstances as well as these, and in the hope of establishing a uniform rule in our dealings with foreign states.

In lieu of the wise and just provision embodied in section III of the act of 1870 above referred to, it is proposed to give the accused an opportunity of volunteering such disclosures to the Secretary of State as may possibly lead to his exacting the pledge of restoration to a place of safety on acquittal. But this practically would reimpose on the minister of the Crown the invidious duty in exceptional cases from which on grounds of general policy Parliament in 1870 unanimously decided on relieving him.

In truth, the fear entertained by those who are jealous of any lessening of the present safeguards against unfair and oppressive extradition mainly rests upon the possibility of a person, when acquitted of one extradition offense, being detained in custody for an indefinite period on the imputation of one or more offenses, none of which may have in them any political or religious character.

Parliament cannot affect ignorance of the disparity of foreign laws and the repugnance to our own of the principles on which criminal justice is frequently administered under them. It is a matter of notoriety, not of argument, that the presumption of innocence which we regard as fundamental is not acknowledged in several of the greatest states of Europe; but, on the contrary, that the onus of disproof lies upon the accused; and that if he be not gifted by nature with coolness, self-possession, and a ready wit, or lucky in the possession of sufficient means to engage the services of an able advocate in meeting the imputations and insinuations of a procurer-imperial, he has little chance of escape, according to our notions of criminal justice. This method of dealing with such grave matters forms no part of the subject of inquiry by this commission; but I think we are bound to keep in remembrance practices so irreconcilable with our ideas of criminal jurisprudence, and to take care that no supposed analogy to our established forms of procedure should render the authority of the Crown subservient unintentionally to working out schemes and purposes which public opinion in England would not approve.

It is certain, for example, that within the last few years numbers of persons suspected of sympathy with disaffection to the absolute rule of the Czar have been summarily arrested and transported from the Grand Duchy of Warsaw to Siberia without any form of public trial; and that thousands of Poles have been banished in this manner since 1864—the practice is called *transportation by administrative decree*, and all that is necessary in such cases is the decision of a governor, or an order from the chief of the police at St. Petersburg.

Is it too much to say that if to-morrow an individual who had become obnoxious to the police, for any cause however vague or uncertain, should seek refuge in this

country, and should be surrendered on a charge of embezzlement or fraudulent bankruptcy, of which he might be acquitted by the ordinary tribunal, his subsequent liberty would not be worth an hour's purchase if our government had exacted no pledge that he should be restored to liberty before being subjected to a second accusation! In certain continental states, as is well known, many ecclesiastics are liable to be indicted for infraction of laws relating to the administration of trust property. The priest of a country parish, the head of a monastic institution, or the bishop of a diocese, has heretofore stood in the position of a corporation sole, and has exercised discretionary powers in the distribution of religious and charitable funds. For non-observance of recent enactments he is now liable to arrest, fine, and imprisonment; but, the matter being one of conscience, he may persist in evading the civil interdiction by contrivance and stratagem, and may sometimes be supposed to abet by counsel and encouragement the opposition widely maintained through the press and otherwise to the new legislation. If he should seek refuge in exile, ought an English secretary of state to be liable under treaty to be called on to give him up because the magistrate at Bow street had evidence before him of allegations that he had misused trust property by retaining or disbursing it in breach of municipal law, without a pledge from the foreign government that, if acquitted of the charge in the sense wherein alone one of our own people could be made amenable to English law, he should be replaced within the dominions of the Queen?

The definition of what constitutes a breach of political laws, that is to say, of laws, exceptionally enacted in consequence of social, ecclesiastical, or dynastic controversies, is beyond the reach of our executive or judicial authority. The attempt to draw the line of distinction has frequently been made, but has always failed; and to leave the question as a nest-egg of diplomatic complication did not seem dignified or prudent in 1870, when Parliament legislated on the subject. On all hands it was then agreed that, as far as possible, the invidious discretion of giving up, or refusing to give up, the fugitive subjects of foreign governments should be taken from the administration of the day and reposed in the judiciary. It is indeed worthy of note that no foreign government whatever has objected in principle to the stipulation against detention for trial upon a second charge. On behalf of the United States, Mr. Secretary Fish explicitly recognized its propriety and justice, and it was confessedly on wholly different grounds that the misunderstanding arose which has led to so much diplomatic correspondence. The susceptibilities of America were touched, not by a proposal that this stipulation should be made reciprocal by a new treaty with Great Britain, but at being told that the conditions of the Ashburton treaty of 1843 had been modified by an act of the United Parliament. It seems incredible that such a difficulty should not be capable of removal without the abnegation by our legislature of safeguards for international justice which only seven years ago were deliberately enacted.

As the misunderstanding with America turns wholly on the retrospective effect of the act of 1870, never contemplated by Parliament, yet not unnaturally repudiated as inadmissible by Congress, there need be no difficulty in passing an act of indemnity applicable to all past and present cases in which a surrender is made to the United States without a guarantee in the event of acquittal, with a view to a new treaty of extradition wherein an assurance against trial on a second charge shall be embodied.

While the commission has been sitting, another notable adhesion to the policy of 1870 has been given by the ratification of an amended extradition treaty on the part of France, specifically embodying the principle that a refugee acquitted on one accusation ought to be replaced within the confines of asylum before he is made amenable on any second charge.

---

### No. 180.

*Mr. Evarts to Mr. Welsh.*

No. 100.]

DEPARTMENT OF STATE,  
Washington, July 1, 1878.

SIR: I transmit herewith for your information a copy of a joint resolution passed during the late session of the United States Congress, and approved on the 15th ultimo, reciting certain allegations in relation to Edward O'M. Condon, whose case has heretofore been the subject of frequent correspondence with your legation, and requesting the President to cause an investigation to be made in the premises, and, if deemed expedient, to take such action as may secure to the prisoner an opportunity for exoneration by a speedy, fair, and impartial trial.

It is not desired, pending such investigation, that you should take

any further official action in behalf of Condon, but you may say informally to the British secretary of state for foreign affairs, that the Congress of the United States has ordered a careful examination of all the circumstances which led to the conviction of Condon, and that if the result of such investigation should tend to exonerate the prisoner from the crime of which he has been convicted, or should develop facts in his favor not known or presented at his former trial, the exculpatory proof will be laid in due time before Her Majesty's Government, in the confident hope that a new trial, with adequate means of defense, will be accorded as an act of justice and equity.

I am, &c.,

WM. M. EVARTS.

---

[Inclosure.]

JOINT RESOLUTION asking for investigation in the case of Edward O'M. Condon.

Whereas Edward O'M. Condon, an officer in Company K, one hundred and sixty-fourth Regiment, New York Volunteers, of the late Union Army, who was wounded in the battle before Petersburg, is incarcerated in England under sentence of felony, in having conspired to liberate certain Fenian prisoners; and

Whereas, further, it is alleged that said Condon is guiltless of the crime charged against him, and upon a new trial would be able to establish beyond question the falsity thereof: Therefore,

*Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President be requested to cause an investigation to be made in the premises, and, if deemed expedient, to take such action as may secure to said Condon an opportunity for his complete exoneration from the alleged crimes by a speedy, fair, and impartial trial.

Approved, June 15, 1878.

---

No. 181.

*Mr. Welsh to Mr. Evarts.*

No. 104.]

LEGATION OF THE UNITED STATES,  
*London, July 2, 1878. (Received July 13.)*

SIR: Referring to my dispatch, No. 98, of the 22d ultimo, I have the honor to acquaint you that I received yesterday, from Mr. Cross, a reply to the note which I addressed to him on the 18th of June on the subject of the invitation to Great Britain to join the bi-metallic conference.

I telegraphed to you yesterday, by cable, the substance of Mr. Cross's communication, and I inclose herewith a copy of the same *in extenso*.

I have received a communication from Mr. Hitt, chargé d'affaires *ad interim* in Paris, stating that he was authorized to announce that it had been suggested that the day for the meeting of the conference should be postponed to the tenth day of August, and I have acquainted Mr. Cross with the proposed change of date.

I have, &c.,

JOHN WELSH.

---

[Inclosure in No. 104.]

*Mr. Cross to Mr. Welsh.*

FOREIGN OFFICE, June 28, 1878.

SIR: I have the honor to acknowledge the receipt of your note of the 18th instant, inclosing a copy of a telegram from Mr. Evarts, wherein it is stated that the United States Government regard as quite in accordance with the terms of the invitation ex-

tended by them to Her Majesty's Government the statement contained in the Marquis of Salisbury's note of the 11th instant, that Her Majesty's Government are quite willing to attend a conference called by the United States Government to consider freely, in all its bearings, the subject of the standards of currency used in various countries, and the relations which exist or can be established between them.

I now beg to acquaint you that the United States Government appear, from the above-quoted telegram, to apprehend correctly the position which Her Majesty's Government are prepared to take up with regard to the proposed conference, it being always clearly understood that this country can in no way depart from the policy in respect to currency questions which she has pursued for sixty years.

Upon these terms, then, I beg to state that Her Majesty's Government are happy to accept the invitation of the United States Government, and I will not fail to inform you, as soon as possible, of the names of the gentlemen who may be chosen to represent this country on the occasion in question.

I have to add that as Her Majesty's Government cannot hold out any prospect of departing from the policy which has become the settled rule of this country, they will direct the delegates who may be appointed by them to confine themselves to the discussion and elucidation of the questions which may be raised, and not to take part in any vote which may be proposed at the congress.

I have, &c.,

RICH'D ASSHETON CROSS.

No. 182.

*Mr. Evarts to Mr. Welsh.*

No. 116.]

DEPARTMENT OF STATE,  
Washington, July 24, 1878.

SIR: The Department's instruction No. 100, of the 1st instant, recited for your information the joint resolution of Congress of the 15th ultimo, in relation to the case of Edward O'M. Condon, and gave to you certain directions as to the course to be observed toward Her Majesty's Government with respect to the contemplated investigation. Subsequently, on proceeding to carry out the purpose of that resolution by providing for an impartial and discreet investigation into the circumstances attending the conviction of the prisoner with a view to ascertaining if any evidence is offered or obtainable which might justify an appeal for a new trial, it was deemed advisable to instruct you to defer action on that instruction, and the telegram of the 8th instant was accordingly sent to you.

In execution of the request contained in the resolution, the Department, by the President's desire, has requested \* \* \* to proceed to England without delay, in order to enter promptly upon the required investigation, and to omit no attention to the inquiry pointed out in the joint resolution which may promise beneficial results.

\* \* \* has been instructed, however, before taking any steps in the direction of the proposed investigation, to report to you in order to obtain your needful counsel and co-operation in the delicate mission with which he is charged.

\* \* \* \* \*  
If the result of \* \* \* 's investigation shall make it probable that full justice failed to be done to the prisoner on his conviction, and if, upon a candid statement of the proofs now accessible, it should be reasonably probable that the prisoner's innocence of the crime of which he was convicted could be shown, you will be put in possession by \* \* \* of all the facts. Should you entertain the opinion that these facts bear the import which I have suggested you will present them to the proper authorities for their consideration. This government cannot doubt of

the disposition of Her Majesty's Government to meet the case presented with the most favorable purposes in the prisoner's behalf that the facts laid before them will warrant. If, however, the result of the investigation should satisfy \* \* \* and yourself that there is no fair support to the opinion that there was any failure of justice in the conviction, and that no new facts can be proved that would make Condon's innocence appear, the good offices of the government will be directed to a renewed appeal to the clemency of the British Government.

The President has every desire that the investigation shall result to the enlargement of the prisoner, and in any event shall satisfy him and his friends that every proper step has been taken in his behalf to accomplish the purposes of the joint resolution of Congress. It is particularly advisable that nothing be done which might give the government of Her Majesty even colorable grounds for regarding the action now taken as in any sense an interference in the domestic judicial administration of another state, the sole object being to discover, if possible, whether any presumption of innocence exists in favor of the prisoner, which, if he were a British subject, and the evidence in his behalf came through the usual channels of British law, might reasonably operate to secure him the relief contemplated. \* \* \*

I am, &c.,

WM. M. EVARTS.

No. 183.

*Mr. Welsh to Mr. Evarts.*

No. 129.]

LEGATION OF THE UNITED STATES,  
*London, August 13, 1878. (Received August 29.)*

SIR: The Republic of Liberia desires to construct a railroad from the coast to the interior, and wishes the United States to aid her. The proposition will be fully explained by the inclosed communication on the subject from the honorable Edward W. Blyden, Liberian minister at London, addressed to me. I send also a copy of my reply. You will observe that the proposed improvement is immediately connected with the emigration of colored people from our Southern States to Africa.

I have, &c.,

JOHN WELSH.

[Inclosure 1 in No. 129.]

*Mr. Blyden to Mr. Welsh.*

LEGATION OF LIBERIA,  
*12 Cavendish Road, St. John's Wood, August 8, 1878.*

SIR: The Government of Liberia is deeply interested in a project which was before a committee of the House of Representatives of the United States last year for a preliminary survey for a railroad from Monrovia to the healthy highlands, about 100 miles back from the coast. Your excellency is probably aware that large numbers of negroes in the United States are contemplating emigration to Liberia. To promote this object "Exodus Associations," independently of the American Colonization Society, have been organized in various parts of the country.



On the 3d of June over 200 of these voluntary emigrants arrived at Monrovia in a ship owned by the Exodus Association of Charleston, S. C. This must be considered one of the most important political and philanthropic movements of modern times.

But these people are going where they will be subjected to the sufferings and drawbacks of the early settlers, unless means are provided to enable them to get to the healthy highlands about 75 or 100 miles interior, where there is abundance of fertile lands, where men are healthy and strong, and where horses and cattle thrive. We need a railroad or at least a good open wagon-road with substantial bridges over the creeks, for at least seventy-five miles back, to throw the new-comers at once from the ship into the healthy regions and open up to their astonished and thankful gaze one of the finest countries in the world, only waiting for the civilized and Christian settler to make it as desirable a home as may be found in the fairest portion of the United States. The Government of Liberia is now not able to carry out these necessary internal improvements, and yet it is felt that some such provision ought to be made to diminish the inconveniences and facilitate the labors of immigrants.

We have accessions occasionally from America of individuals of real power, who might be of great use in pushing forward civilization on that continent; but they are met at the outset by, and have to contend against, the paralyzing influence of the malaria by which the coast is fringed. In many cases their energies are undermined and they are disheartened by the difficulties of locomotion. Industry is thus cramped and discouraged. Still, the numerous coffee and sugar farms on our rivers, and the active trade carried on by settlers in palm-oil, cone-wood, ivory, &c., give indications of a disposition to work and of unconquerable will and determination—elements of character which must appeal to the sympathy of every enlightened lover of progress.

The President of Liberia, knowing the interest which your excellency has always taken in every enterprise for the amelioration of humanity, has instructed me to request you to use your influence with your government to secure, if possible, the passage of the bill through Congress at its next session for the building of a railroad or some good substantial wagon-road from Monrovia, on the banks of the St. Paul's River, to the highland interior of Liberia.

If there were a water-way provided by nature we might not for many years yet need such roads, but though we have several rivers they are obstructed by rapids only a short distance from the coast. Such roads would also bring to the coast a great deal of the traffic which for want of such facilities is diverted to European colonies on the coast; and American vessels are compelled to resort to such ports for articles obtained in the immediate interior of Liberia.

With good roads we could throw at once a hundred thousand American negro families into that country; and their influence there would in a very short time modify in no little degree the present character of the West African trade, which as pursued now enriches the foreigner without conferring any appreciable or lasting benefit upon the country. And nothing would tend more rapidly to bring the natives of the interior under civilized influences and induce them to adopt the ordinary usages of civilized life than the presence of communities of Christian negroes among them. Agriculture and commercial operations and the example of well-regulated domestic life would exemplify and enforce the teachings of the missionary.

The American nation, through the instrumentality of the negro population, has in its power to do more for Africa than any other Christian nation. The United States can send not only the prayer, the song, and the sermon; they can also send singers and preachers and teachers, who can live in the country. They can send farmers and mechanics and merchants allied in blood and race to the indigenous inhabitants of the country. It ought not to be forgotten that Africa is to be opened, as all other countries have been opened, by farms, by roads, by machinery, and steam-engines, by draining swamps and bridging rivers, by teaching the people science and its application by secular as well by religious agencies; and all these the American nation can furnish to a far more effective degree than any country in Europe.

The Liberia coffee is of so superior quality that we have demands for seed and young plants from all the chief coffee-growing countries. Three months ago the Government of Brazil sent a ship to Monrovia and bought up one hundred thousand coffee-plants and about fifty thousand pounds of seed. Ceylon, Java, Natal, are all importing and planting Liberian coffee. In Mincing Lane, in this city, a few weeks ago, Liberian coffee brought 105 shillings, while Ceylon only brought 85. The Liberian coffee is a wonderful providential means for building up in material importance that little republic. The recent immigrants are entering largely upon its cultivation.

The chief aim of the Liberian Government at this moment is to enlarge the area of these agricultural operations. We have an inexhaustible supply of fertile lands and a large aboriginal population ready and anxious to receive instruction and to be guided in the systematic cultivation of the soil. There are valuable minerals in the interior.

The natives bring gold from regions adjacent to and within the limits of Liberia;

but it is not the policy of the government to encourage in the present condition of the country the search for gold and other minerals. We do not wish to attract from abroad the restless and the mercenary. We do not wish the interior to be a lottery in which men may *win* fortunes, but a field of labor in which they may *earn* them.

It is hoped that if your excellency should use your good offices in bringing this important subject to the notice of the President of the United States, your government may be induced to take up the matter at the next meeting of Congress and carry it through.

I inclose for your excellency's perusal a letter just received from Washington.

I have the honor to be, &c.,

EDWARD W. BLYDEN.

---

[Inclosure 2 in No. 129.]

*Mr. Welsh to Mr. Blyden.*

LEGATION OF THE UNITED STATES,  
London, August 9, 1878.

DEAR SIR: I have received your letter of the 8th instant in regard to the construction of a railroad from Liberia to the interior. As you have requested, I will present the subject to the Government of the United States. As it could not be more effectively done I will send to it a copy of your letter to me. The railroad, as suggested, is a work of paramount importance, and to me, personally, it would be a cause of great gratification were the United States to aid your government in its construction, but it is very doubtful whether such aid can be constitutionally granted. There is another point raised by you—the emigration of the labor of our country. I do not believe that the general government can with any propriety do anything to forward it.

With great respect, I am, &c.,

JOHN WELSH.

His Excellency EDWARD W. BLYDEN, *&c., &c., &c.*

---

No. 184.

*Mr. Welsh to Mr. Evarts.*

[Telegram.]

LONDON, August 17, 1878.

EVARTS, *Secretary, Washington:*

Having applied for Condon's pardon, am informed that it [will be] granted, provided Queen approves. I hope to hear definitely 20th.

My information being unofficial, no mention should be made until you are further advised.

WELSH,  
*Minister.*

---

No. 185.

*Mr. Welsh to Mr. Evarts.*

[Telegram.]

LONDON, August 21, 1878.

EVARTS, *Secretary, Washington:*

Salisbury officially informs me the cabinet will recommend Queen to remit remainder of the sentence of Condon and Melody.

Queen's action not yet communicated.

WELSH,  
*Minister.*

No. 186.

*Mr. Welsh to Mr. Ervarts.*

No. 132.]

LEGATION OF THE UNITED STATES,  
*London, August 24, 1878. (Received September 4.)*

SIR: Referring to your Nos. 33, 55, and 67, and to Mr. Hoppin's No. 5, relating to certain alleged outrages upon American fishermen committed on the coast of Newfoundland, I have the honor to inform you that I have received a note from Lord Salisbury, inclosing the report of Captain Sullivan, of Her Majesty's ship *Sirius*, upon these occurrences. I transmit herewith copies both of Lord Salisbury's note and of its inclosure.

I have, &amp;c.,

JOHN WELSH.

[Inclosure in No. 132.]

*Lord Salisbury to Mr. Welsh.*FOREIGN OFFICE, *August 23, 1878.*

SIR: Her Majesty's Government have had under their consideration your letter of the 19th of March, making representations relative to certain disturbances which occurred in January last, between British and United States fishermen at Fortune Bay, on the coast of Newfoundland, and requesting, in accordance with the instructions of your government, that an investigation might be made into the alleged facts of the case; and I have now the honor to transmit to you, for your information and for communication to your government, the accompanying copy of a report drawn up by Captain Sullivan, R. N., of Her Majesty's ship *Sirius*, the officer intrusted with the duty of instituting an inquiry into the matter on the spot.

You will perceive that the report in question appears to demonstrate conclusively that the United States fishermen on this occasion had committed three distinct breaches of the law, and that no violence was used by the Newfoundland fishermen except in the case of one vessel whose master refused to comply with the request which was made to him that he should desist from fishing on Sunday, in violation of the law of the colony and of the local custom, and who threatened the Newfoundland fishermen with a revolver, as detailed in paragraphs five and six of Captain Sullivan's report.

I have the honor to be, &amp;c.,

SALISBURY.

[Inclosure to inclosure in No. 132.]

*Report on the differences that arose between British and United States fishermen in January 1878, by Capt. George Lydian Sullivan, of Her Majesty's ship Sirius.*

Having carefully weighed the evidence given on oath before me by Newfoundland fishermen present at the time, together with that inclosed in the correspondence forwarded for my perusal, I am of opinion—

1. That the Americans were using seines for catching herring on the 6th of January, 1878, in direct violation of Title XXVII, chapter 102, section 1, of the consolidated statutes of Newfoundland, viz: "No person shall haul or take herring by or in a seine or other such contrivance on or near any part of the coast of this colony or of its dependencies, or in any of the bays, harbors, or other places therein, at any time between the 20th day of October and the 25th day of April."

2. That the American captains were setting and putting out seines and hauling and taking herring on Sunday, the 6th January, in direct violation of section 4, chap. 7, of the act passed 26th April, 1876, entitled "An act to amend the law relating to the coast fisheries," viz, "No person shall between the hours of twelve o'clock on Sat-

urday night and twelve o'clock on Sunday night haul or take any herring, caplin, or squid with net, seines, bunts, or any such contrivance for the purpose of such hauling or taking."

3. That they were barring fish in direct violation of the continuance of the same act, Title XXVII, chap. 102, section 1, of the consolidated statutes of Newfoundland, "or at any time use a seine or other contrivance for the catching or taking of herrings, except by way of shooting and forthwith hauling the same."

4. That, contrary to the terms of the Treaty of Washington, in which it is expressly provided that they do not interfere with the rights of private property or with British fishermen in the peaceable use of any part of the said coasts in their occupancy for the same purpose (see article 18 of the above-named treaty), they were fishing illegally, interfering with the rights of British fishermen and their peaceable use of that part of the coast, then occupied by them, and of which they were actually in possession—their seines and boats, their huts, gardens, and land granted by government being situated thereon.

5. It is distinctly shown in the evidence that the cause of the difference commenced with the Americans by their persisting in shooting their seines on the Sunday, as the Englishmen who worked for them would not do it on that day, not only on account of its being illegal, but of their religious regard for the Sabbath, which is always strictly kept by them, and, although it must be observed that the result of this illegal fishing would have been that the Americans would have secured the whole of the herring in the bay on that day, to the exclusion of the rights and fair chances of all the others during the week, yet there is no evidence to prove that this or anything else but the fact of its being Sunday and the law and custom among themselves regarding it prompted them to demand that the seines should be withdrawn.

6. It is shown by the evidence of all those witnesses present at the time when the Americans were remonstrated with, and told to take their seines up prior to any serious steps being taken, and it is also distinctly proved that no violence was resorted to until after the exasperating conduct of Captain Jacobs, the American master of a schooner concerned in this illegal fishing, who threatened them with a revolver if they prevented him or interfered with his seine.

7. It does not appear that the native fishermen were aware of the illegality of hauling a seine in the month of January. It is, therefore, to be presumed that the Americans were also ignorant of that law, although their ignorance cannot exonerate them from the breach, nor does it exonerate John Hickey, an Englishman, who is charged with the same offense, and whom it is my intention to summon before me to answer to that charge.

8. The statement of the Americans that they were compelled to leave the harbor and leave off fishing is entirely without foundation, which is proved by the evidence of those examined before me, among whom was Mr. Snellgrove, collector of customs, who was there a week after the occurrence, and communicated with them, and by the evidence of others to the effect that they remained for about a fortnight or more "until the herring slackened," and, with respect to their loss of their haul of herring by the seine being emptied, the fish were not their lawful property, having been illegally caught.

In support of this view of the conduct of the Americans, I am not only borne out by the evidence of the Fortune Bay fishermen, who made their statements in a remarkably frank and straightforward manner, but by the self-conflicting evidence of those very Americans themselves, whose depositions given on oath show them to have been illegally fishing, and who were liable thereby to the forfeiture of their seines, nets, &c., by chap. 102, section 12, of the consolidated statutes.

GEORGE L. SULIVAN,  
*Captain and Senior Officer.*

No. 187.

*Mr. Welsh to Mr. Evarts.*

No. 134.]

LEGATION OF THE UNITED STATES,  
*London, August 27, 1878. (Received September 7.)*

SIR: Referring to your confidential instruction, No. 116, of the 24th ultimo, I have the honor to acquaint you that, although I was not directed by that dispatch to make a fresh application to Her Majesty's

Government for the pardon of Condon, it nevertheless seemed to me desirable to leave no proper effort untried to accomplish that object before engaging in the somewhat delicate attempt to investigate the circumstances which attended his conviction.

I accordingly called upon Lord Salisbury at the foreign office on the 8th instant and presented the subject to him in a manner which seemed to make a favorable impression. I afterward embodied the substance of my conversation in a note to him, a copy of which I have the honor to inclose. I am happy to inform you that on the 21st instant I received a reply from his lordship, a copy of which I also inclose, by which it will be seen that Her Majesty's Government will recommend to Her Majesty to remit the remainder of the sentence which was passed upon Condon, and, as a necessary consequence, the remainder of that also which was passed upon Melody, under such conditions as the Queen may be pleased to prescribe, one of which would be that they shall not, during the remaining term of their sentence or such shorter period as Her Majesty may be pleased to name, reside within the Queen's dominions.

Although the forms may not be completed before a fortnight, because of the absence of the cabinet from their offices and the necessity of sending the several papers required after them to distant points for their signatures, I am assured that the pardon is otherwise perfect, and that, about the time named, Condon and Melody will be discharged from custody provided they accept of the conditions imposed by the Queen.

Should Condon not be provided with means to go to the United States I shall furnish them to him.

I have, &c.,

JOHN WELSH.

---

[Inclosure 1 in No. 134.]

*Mr. Welsh to Lord Salisbury.*

LEGATION OF THE UNITED STATES,  
London, August 8, 1878.

MY DEAR LORD SALISBURY: On my visit to you this morning, I made an appeal in behalf of my government for the pardon of Condon, when you kindly said you would bring the matter before the cabinet on Saturday. Permit me now to repeat what I then told you, that it was but a little while since I had made a similar application in a more formal way, and it had been refused. Since then, however, the action of your government has brought to it so much honor that I thought it a moment when the exercise of mercy might possibly be peculiarly agreeable, particularly in answer to the prayer of a friendly government which had shown so deep an interest in the case as to prefer the prayer already *three* times, and would, no doubt, continue to do so, but always most respectfully, until it should be granted. The belief in the United States is that Condon, an ardent Irishman, who had served most honorably in our war, was the victim of circumstances in his wrong-doing, and that, having been eleven years in prison, he has learned wisdom, and may well be restored to his family in the United States.

Whenever the prayer has been presented to your government it has been ordered to be presented by Congress, and it has been accompanied by the respectful request of the President, through my predecessor or myself.

It has been made with all the authority as to its source, and earnestness as to its substance, that could be given to it. Has not the dignity of your laws been fully satisfied? If any punishment will reform, certainly *eleven* years must have done it. Therefore may you not, under such circumstances, exercise mercy, and, in doing so, relieve yourselves of the care of the prisoner, and the country of his presence, and thus act justly to yourselves, mercifully to the prisoner, and most courteously to the people whom I represent, in common with whom, in this case, I feel a very deep interest?

I trust that Her Majesty's Government will be able to take a favorable view of this matter, and enable me to send Condon back to his family.

I believe it would be recognized by the President and Congress as a most friendly action.

I am, &c.,

JOHN WELSH.

[Inclosure 2 in No. 134.]

*Lord Salisbury to Mr. Welsh.*FOREIGN OFFICE, *August 16, 1878.*

DEAR MR. WELSH: I have to acknowledge the letter which you addressed to me under date the 8th instant. You had previously made to me at this office a verbal request of a similar import. These communications were duly laid before the cabinet and have been carefully considered by them. They had at the same time before them the fact that Condon and Melody (the other man who was convicted for the same offense) could not, according to the tenor of the regulation in force respecting them, be released from prison before the year 1882, and that Condon is suffering seriously in health.

Her Majesty's Government have been strongly moved to look upon your application in the most favorable light, as well by the knowledge which you have conveyed to them that it is one to which the President and Congress of the United States attach great importance, as by a review of the considerations mentioned in your letter and of those to which I have adverted above.

Her Majesty's Government are glad to be able to think that, under all these circumstances, the time has arrived when the clemency of the Crown may be exercised, and when they will be justified in acceding to your request.

They will therefore recommend to Her Majesty to remit the remainder of the sentence which was passed upon Condon, and, as a necessary consequence, the remainder of that also which was passed upon Melody, under such conditions as Her Majesty may be pleased to prescribe, one of which would be that they shall not, during the remaining term of their sentence, or such shorter period as Her Majesty may be pleased to name, reside within Her Majesty's dominions.

I beg to remain, &c.,

JOHN WELSH, Esq.,  
*fc., fc., fc.*

SALISBURY.

---

No. 188.

*Mr. Seward to Mr. Welsh.*

No. 133.]

DEPARTMENT OF STATE,

*Washington, September 2, 1878.*

SIR; I have to acknowledge reception of your dispatch No. 129, of the 13th ultimo, inclosing copy of correspondence recently exchanged between Mr. Edward W. Blyden, Liberian minister at London, and yourself, relative to the desire of the republic of Liberia to construct a railway from the coast to the interior, and the expressed wish for aid from the United States in its construction.

The note of Mr. Blyden has been read with interest, and the subject will have due consideration, and, to that end, will be submitted, at the coming session of Congress, to the proper committee for their information.

I am, &c.,

F. W. SEWARD,  
*Acting Secretary.*

---

No. 180.

*Mr. Seward to Mr. Hoppin.*

No. 134.]

DEPARTMENT OF STATE,

*Washington, September 3, 1878.*

SIR: Mr. Welsh's telegraphic dispatch, in cipher, of the 31st ultimo, in which he states that the London Times published on that day his cor-

respondence with Lord Salisbury about Condon, and that he had visited Condon in the Portland prison and informed him of his probable release, has been received.

It seems proper at this stage of the matter to express the warm approval of the President and of this Department with regard to Mr. Welsh's efforts for the release of Condon, and the gratification which is felt at the near prospect of success therein.

This instruction is addressed to you, inasmuch as Mr. Welsh's telegram announces his intended departure for the continent on Monday, the 2d instant, and it is presumed that you are now in charge of the legation.

I am, &c.,

F. W. SEWARD,  
*Acting Secretary.*

---

No. 190.

*Mr. Hoppin to Mr. Evarts.*

No. 13.]

LEGATION OF THE UNITED STATES,  
*London, September 11, 1878. (Received September 26.)*

SIR: I have the honor to inclose copies of further correspondence upon the subject of the pardon of Edward O'M. Condon since the last dispatch in relation to this matter.

I have, &c.,

W. J. HOPPIN.

---

[Inclosure 1 in No. 13.]

*Mr. Welsh to Lord Salisbury.*

LEGATION OF THE UNITED STATES,  
*London, August 21, 1878.*

DEAR LORD SALISBURY; I have this moment received your letter of 16th instant, conveying to me the intelligence that the cabinet had recommended to Her Majesty the Queen to remit the remainder of the sentence of Condon and his companion Melody without delay. I must express to you and to your associates my appreciation of your gracious acquiescence in my request.

I am, very sincerely,

JOHN WELSH.

The most honorable the MARQUIS OF SALISBURY, &c., &c., &c.

---

[Inclosure 2 in No. 13.]

*Mr. Welsh to Lord Salisbury.*

LEGATION OF THE UNITED STATES,  
*London, August 21, 1878.*

DEAR LORD SALISBURY! Will you kindly inform me whether the pardon for Condon and Melody will be sent to me for delivery to them or go to them directly, and you will add to the obligation by saying in what prison they are and whether I may be permitted to see them.

Very sincerely, your obedient servant,

JOHN WELSH.

The most honorable the MARQUIS OF SALISBURY, &c., &c., &c.

[Inclosure 3 in No. 13.]

*Lord Salisbury to Mr. Hoppin.*FOREIGN OFFICE, *September 5, 1878.*

SIR: I addressed to Her Majesty's secretary of state for the home department a communication with sense of Mr. Welsh's letter of the 21st ultimo relative to the convicts Condon and Melody, and I have the honor to acquaint you that I am now informed that facilities have been given to Mr. Welsh to see the men in question, and that on the occasion of his recent visit to the home office he was told that the same course would be adopted in the present instance as in former cases of a similar kind.

I am further informed that as soon as the pardons have been prepared they will be sent down and read over to the convicts for their written consent to the conditions attached; on giving which the pardons will be delivered to them, and they will be set at liberty.

In conclusion, it is stated that Mr. Welsh or any person deputed by him, for whom he would vouch, can obtain permission to see the convicts.

I have, &c.,

SALISBURY.

[Inclosure 4 in No. 13.]

*Mr. Liddell to Mr. Hoppin.*

Private.]

HOME OFFICE, *September 7, 1878.*

DEAR SIR: As the time is approaching for the liberation of the two Fenian convicts at Portland and their transmission to America, Mr. Cross desires me to ascertain whether any arrangements have been made by their friends or Mr. Welsh as to providing them with a passage and outfit; for those matters will have now to be attended to, as the pardons will be ready before very long.

I am, dear sir, truly yours,

A. F. LIDDELL.

W. J. HOPPIN, Esq.

[Inclosure 5 in No. 13.]

*Mr. Hoppin to Mr. Liddell.*

Private.]

LEGATION OF THE UNITED STATES.

DEAR SIR: The only one of the two convicts for whose pardon we have been instructed to apply is Condon.

Mr. Welsh, on the 28th of August, before he left town for the Continent, had an interview with Condon, under the permission from your office, and told him if it should be necessary he would see that he was provided with proper clothing and a passage to America. He had no instructions from Washington to do this, but acted entirely from his own humane impulses.

I have to-day received a note from Mr. Oliver, honorary secretary of the "Political Prisoners Visiting Committee," who requests Mr. Welsh to use his influence to obtain the privilege for the physician of the committee to visit the prisoners before their release or embarkation. I shall send this note to the foreign office for Her Majesty's Government to take such action upon it as they may think proper.

Mr. Oliver states that this committee receives and "provides all necessary" for political prisoners on their release, by which I understand that they furnish the proper outfit.

I do not know whether this would be consistent with the arrangements of the government in the present case.

I can only say that it is Mr. Welsh's desire that all proper provision should be made for the health and comfort of Condon and his safe passage to America, and if this be not secured from other sources, that he will advance the proper funds for the purpose.

I am, my dear sir, truly yours,

W. J. HOPPIN.

Hon. A. F. LIDDELL, &amp;c., &amp;c., &amp;c.

19 F B



[Inclosure 6 in No. 13.]

*Mr. Hoppin to Lord Salisbury.*

LEGATION OF THE UNITED STATES,

*London, September 7, 1878.*

MY LORD: I have the honor to acknowledge the receipt of your note of the 5th instant, informing me of the course that will be taken by Her Majesty's Government in communicating to Condon and Melody the conditional pardons which have been granted to them, and also stating that Mr. Welsh or any person deputed by him, for whom he would vouch, can obtain permission to see the prisoners.

The only one of the two men for whom we have been instructed to intercede is Condon, and I have to acquaint your lordship that Mr. Welsh, accompanied by the second secretary of this legation, had an interview with Condon at Portland prison on the 28th ultimo. He went to the Continent on the 2d instant, as he has already had the honor of informing your lordship, and will remain there for several weeks, so that he will have no occasion of again availing himself personally of the permission to see Condon.

I beg leave, however, in referring further to this part of your lordship's note, to say that I have this day received a letter from Mr. W. J. Oliver, the honorary secretary of the "Political Prisoners Visiting Committee", requesting Mr. Welsh to interest himself to obtain the privilege for the physician of that committee to visit the prisoners prior to their release or at all events before their embarkation.

I have not the pleasure of the acquaintance of any of the gentlemen composing this committee, and my only information respecting its objects and purposes is contained in their secretary's communication.

I shall, therefore, take no further steps in relation to their note beyond transmitting a copy of it to your lordship, stating at the same time that, although my government has given no instructions on the subject, it will undoubtedly desire that Condon should have all proper medical treatment, sufficient clothing, and a comfortable passage to America, for the expense of all which, in case no other provision should be made, I am authorized by Mr. Welsh to say he will be personally responsible.

I need scarcely add that both Mr. Welsh and myself are fully aware that Her Majesty's Government, which has already shown such wise clemency in procuring the pardon of Condon, will continue to do all that is just and humane in making the proper preparations for his release.

I have, &c.,

W. J. HOPPIN.

[Inclosure 7 in No. 13.]

*Mr. Liddell to Mr. Hoppin.*

Private.]

HOME OFFICE, *September 11, 1878.*

DEAR SIR: Thank you for the information you gave me in your letter. I send you one line, to inform you that arrangements are being made for the transmission of the prisoners to America without troubling the United States minister further as to the payment of any expenses. I expect they will go early next week.

Yours, truly,

A. F. LIDDELL.

J. H. HOPPIN.

No. 191.

*Mr. Exarts to Mr. Welsh.*

No. 145.]

DEPARTMENT OF STATE,

*Washington, September 27, 1878.*

SIR: I am directed by the President to present to the attention of Her Majesty's Government the sentiments of this Government respecting the result of the deliberations of the commission lately sitting at Halifax for the determination of the question submitted to it under the

articles of the Treaty of Washington relating to the fisheries. It is the purpose of the present communication to put you fully in possession of these sentiments, that you may impart them to Lord Salisbury with the same frankness that they are disclosed to yourself.

It is a matter of sincere regret to the President that the actual result of the deliberations of this Commission has been such as to require from this Government the course of observation upon the same which it becomes my duty to submit to the consideration of Her Majesty's Government. For reasons of paramount importance to the interests of the two countries, in their future treatment of the subject of the fisheries, a candid statement of the views of this Government, as to the position in which the action of the Commission has placed those interests, is due alike to the British government and ourselves. Nor are these views expressive only of the sentiments of the Executive Department of the Government. Upon the papers being laid before Congress, for its necessary action, upon the question of making an appropriation from the Treasury to meet what should prove to be the proper obligations of the government under the Treaty, Congress, with great unanimity, concurred with the Executive in the opinion that the attention of the British Government should be invited to the subject of the award, as looked upon by this Government, in advance of the final action of the Executive in reference to its payment. Accordingly, the sum appropriated by Congress to meet the award is, by the appropriation act, "placed under the direction of the President of the United States with which to pay the Government of Her Britannic Majesty the amount awarded by the Fisheries Commission, lately assembled at Halifax, in pursuance of the Treaty of Washington, if, after correspondence with the British Government on the subject of the conformity of the award to the requirements of the treaty, and to the terms of the question thereby submitted to the Commission, the President shall deem it his duty to make the payment without further communication with Congress."

The occasion for this correspondence with the British Government arises from the great importance of reaching a complete and explicit understanding between the two governments as to the conformity of the award made by the Commission to the terms of the Treaty of Washington by which its authority and jurisdiction are communicated and defined. If the award in respect of the fisheries had relation only to the sum of the payment involved, considerable as that is, this Government might prefer to waive any discussion which could affect no continuing and permanent interests of the two countries, and would, therefore, comprehend only such considerations as would touch the principles or elements of computation applied by the Commission in arriving at a pecuniary amount, the payment of which carried no consequences. It is true, even in such case, the indisputable right of the parties to an arbitration, public or private, to examine an award in respect of its covering only the very matter submitted, should not be too readily relinquished from mere repugnance to question a result which, at least, if undisturbed, serves the good purpose of closing the controversy. If the benevolent method of arbitration between nations is to commend itself as a discreet and practical disposition of international disputes, it must be by a due maintenance of the safety and integrity of the transaction, in the essential point of the awards, observing the limits of the submission.

But this Government is not at liberty to treat the fisheries award as of this limited interest and operation in the relations of the two countries to the important, permanent, and difficult contention on the subject of the fisheries, which for sixty years has, at intervals, pressed itself

upon the attention of the two governments and disquieted their people. The temporary arrangement of the fisheries by the Treaty of Washington is terminable, at the pleasure of either party, in less than seven years from now. The fisheries award, upon such termination of the treaty arrangements, will have exhausted its force as compensation for a supposed equivalent and terminated privilege. If this Government, by silent payment of the award, should seem to have recognized the *principles* upon which it proceeds, as they may then be assumed or asserted by Her Majesty's Government, it will at once have prejudiced its own rights, when it shall become necessary to insist upon them, and seem to have concealed or dissembled its objections to the award, when Great Britain was entitled to an immediate and open avowal of them.

Upon these considerations the President and Congress have required that the sentiments of this government respecting the fisheries award be set before Her Majesty's Government, to the end that a full interchange of views, in a friendly spirit, between the two governments, should leave no uncertainty as to the degree of concurrence or of difference in their respective estimates of this transaction.

It is greatly to be regretted that the protocols of the Commission make no record of the steps by which the majority reached the conclusion which they announced as the award of the Commission, and the dissenting commissioner, on the other hand, arrived at so widely different a result. Had the record disclosed the methods of reasoning, or the processes of calculation respecting either of the privileges which, under the submission of the Treaty, were to be measured and compared, upon which the divergent results of their deliberations were reached, the task of exposing the manner and extent in which, in the opinion of the Government, the award transcends the submission of the Treaty would be much simpler. Indeed, in the view which this Government takes of the narrow and well-defined question submitted to the Commission by the Treaty, and of the indisputable result of the evidence pertinent thereto, there seems little reason to doubt that if the protocols exhibited a trace, even, of the elements of computation by which the two concurring commissioners made up their judgment, they would inevitably disclose the infirmity of the actual award, and make any careful demonstration of the same superfluous.

I desire that you will first call Lord Salisbury's attention to the nature of the question submitted to the Halifax Commission, as adjusted through the diplomatic conferences of the Joint High Commission and expressed in the Treaty.

In the first place, the United States, in the fishery articles of the Treaty of Washington, did not intend to, and did not, waive or curtail in the least the construction of the fishery and appurtenant privileges accorded in the first article of the Convention of 1818, as claimed by them, and actually possessed and enjoyed by them under such claim, at and before the negotiation of the Treaty of Washington. Neither the protocols of the conferences of the Joint High Commissioners, nor the text of the Treaty negotiated by them, indicate any intention of submitting to the interpretation of the Halifax Commission the degree of privilege accorded to the United States by the Convention of 1818. On the other hand, it is manifest from the instructions to Her Majesty's High Commissioners, as well as from the protocols of the conferences, that a settlement of the disputed interpretation of the Convention of 1818 was contemplated as possible only by the diplomatic deliberations of the Joint High Commission, and such conclusions thereon as they might find it in their power to embody in the Treaty of Wash-

ington. This task, however, they did not undertake, but provided only for a temporary possessory privilege that should supersede, during its continuance, any determination of such disputed interpretation. In this disposition of the subject, it would seem quite beyond the scope of the jurisdiction of the Halifax Commission to include in any measure of the additional privilege accorded to the United States by Article XVIII of the Treaty of Washington, any contribution for the enjoyment of the privileges accorded to the United States by the Convention of 1818, as claimed and actually possessed by them at the time of the negotiation of the Treaty of Washington. A reference to document No. 15, filed with the Halifax Commission, in support of the case of Her Britannic Majesty's Government, and found at page 238 of the Congressional publication of the proceedings of the Halifax Commission, will substantiate this proposition.

I do not regard this point of serious importance in the exposition of the subject, except that I desire to preclude, in behalf of the United States, any implication, or argument hereafter, to be drawn from my passing over, without criticism, this possible element in the admeasurement of the award. The United States still maintains its interpretation of the privilege secured by the Convention of 1818, and protests against any implication from the magnitude of the award of the Halifax Commission, or otherwise from its proceedings under the Treaty of Washington, that the United States have sanctioned or acquiesced in, or by the payment of that award would sanction or acquiesce in, any lesser measure of the privileges secured to the United States under the Convention of 1818, than, as is well known to Her Majesty's Government, they have always insisted upon.

In the next place, the United States did not submit to the Halifax Commission, under the fishery articles of the Treaty of Washington, any valuation of any general economic or political advantages which grow out of access to fishing-grounds for the development of a mercantile or naval marine, and which, therefore, it might be argued, would be enhanced by adding the area of the inshore fisheries of the Gulf of Saint Lawrence to the fields for that enterprise, from the earliest period, open to, and occupied by, the bold and hardy seamen of this country. Still less did the United States submit to that Commission a pecuniary measurement of the removal of occasions of strife between the fishermen, or misunderstanding between the governments of the two countries, by the temporary obliteration of a restrictive line, dividing the inshore from the deep-sea fisheries on portions of the coast of British North America.

Both of these subjects are considerations, governmental in their nature, suitable to be entertained, with many others, in the diplomatic negotiations which ended in the treaty. They are neither of them computable in money. That which relates to the maintenance of good understanding and good neighborhood between the United States and the British North American provinces can, least of all things, be admitted as an estimable element in a pecuniary computation. The importance of such maintenance of good understanding and good neighborhood the United States will never undervalue. In this interest large fiscal concessions were made by the United States in the adjustments of the Treaty of Washington. After such concessions, the superadded submission to the Halifax Commission of the question of equalizing, by a pecuniary measure, those concessions with supposed equivalent concessions by Her Majesty's Government, was entertained and agreed to by the United States, mainly, if not entirely, in the disposition to meet any just interest of the British North American provinces to be assured of the equal-

ity of these intended equivalents. But the maintenance of these good relations is of common interest to the two countries, and can never be made the occasion of pecuniary tribute as if of more importance to one than to the other. No such calculation entered into the enlightened and conciliatory motives which animated and shaped the important series of negotiations which produced the Treaty of Washington. In the definition of whatever unadjusted computation was referred, for pecuniary settlement, to the Halifax Commission, care was taken to include nothing which, suitably to the honor of both countries, was not measurable by a scale of industrial and commercial profits. If these plain considerations shall be viewed in this light by Her Majesty's Government, it is hoped that a concurrence of opinion as to the nature of the question actually submitted to a pecuniary measure, by the Halifax Commission, may be easily reached.

It cannot be very material to recall Lord Salisbury's attention to the historical attitude of the two governments toward the subject in contention as to the fisheries, by any present exposition of the matter. The sources of knowledge on this subject are common to the public cognizance of the two governments. Our diplomatic intercourse has unfolded the views of successive British and American cabinets upon the conflicting claims of mere right, on the one side and the other, and at the same time evinced, on both sides, an amicable preference for practical and peaceful enjoyment of the fisheries, compatibly with a common interest, rather than a sacrifice of such common interest to a purpose of insisting upon extreme right at a loss, on both sides, of what was to each the advantage sought by the contention. In this disposition the two countries have inclined, more and more, to retire from irreconcilable disputations as to the true intent covered by the somewhat careless and, certainly, incomplete text of the Convention of 1818, and to look at the true elements of profits and prosperity in the fisheries themselves, which alone, to the one side or the other, made the shares of their respective participation therein worthy of dispute. This sensible and friendly view of the matter in dispute was greatly assisted by the experience of the provincial populations of a period of common enjoyment of the fisheries without attention to any sea-line of demarkation, but with a certain distribution of industrial and economical advantages in the prosecution and the product of this common enjoyment. The form of this experience, was twofold: First, for the period of twelve years under the reciprocity arrangement of trade between the United States and those provinces; and, second, for a briefer period after the termination of the Reciprocity Treaty, under a system of licenses which obliterated the sea-line of circumscription to our fishing-fleet, upon the payment of fees deemed adequate by the Provincial Governments.

In this disposition, and with this experience, the negotiations of the Treaty of Washington were taken up, and produced the fishery articles of that comprehensive treaty. The results of this experience, and the influence of this disposition, are plainly marked in the pertinent protocols and in the text of the articles.

At the outset it was apparent that neither a confirmation nor a rectification of the old sea-line of exclusion, or the adoption of a new one, had any place in the counsels or purposes of Her Majesty's Government, or in the interests or objects of Her Majesty's provincial subjects. It had become thoroughly understood that the line of the Convention of 1818 had become inapplicable, and, in some respects, insufferable, to the common interests.

The mackerel, always an inshore as well as a deep-sea fish off our

coasts, at the date of the Convention of 1818, and for twenty years after, as an object of pursuit to our fishermen, was confined to the coast of the United States, and that fishery was substantially unknown, in any commercial sense, in the provincial waters. Either a change of habits in the fish or an extension of the enterprise of our fishermen, had opened up the mackerel fishery of the Gulf of Saint Lawrence to our pursuit. The gradual increase of the fishing-coast population of the provinces had supplied the fishermen, and excited the local interest, for the prosecution from the shore, as the base of its operations, of the new industry of inshore mackerel fishing.

Upon the concurrence of these circumstantial changes it was natural enough for the coast population and the public men of the provinces to conclude that the territorial authority, which, under the Convention of 1818, gave to the provinces the monopoly of the inshore mackerel fishery, only needed to be insisted upon, by a vigorous exclusion of our fishermen, to be fruitful of great local prosperity.

These calculations were disappointed. It was soon found that the provinces themselves were comparatively valueless as a market for mackerel, and that the quality of the fish, as respects the methods of its preparation for export, excluded it from the general foreign market which was open to the product of the cod fisheries. The near market of the United States was essential to the local prosperity of the inshore mackerel fishermen of the provinces. The political control of that market by the United States quite overreached the provincial control of the inshore fishing-grounds. Fish that cannot find a market will not long be pursued for gain, and the fishing-coast population and the statesmen of the provinces alike saw that a participation in the mackerel market of the United States was the indispensable condition of prosperity to their inshore fishery. Experience confirmed the logic of this reasoning. While the Reciprocity Treaty endured, settlements thrived and wealth increased. When it was withdrawn, population shrank and wealth declined, and, but for the hope of its renewal, a destruction of this industry seemed imminent.

Upon the other hand, the mackerel fishermen of the United States felt that a participation in the inshore fisheries of the Gulf of Saint Lawrence was no equivalent for a surrender of our mackerel market to the participation of the inshore fishermen of the provinces. They justly reasoned that this arrangement, in respect of the mackerel catch within the line, instead of placing the provincial fishing industry upon an equal footing with ours, really put us at quite a disadvantage. Ordinarily, home products have a certain measure of advantage over duty-free competing imports, in freight, ocean or inland, insurance and interest and factorage. But, here, what passes for our home product is acquired upon the very shore of our foreign competitor. Its pursuit is at the expense of an extended voyage, with costly outfit and large investment, at great risk, with long delay, measured by heavy insurance and accruing interest. Bringing it to what is called the home market involves the return voyage and the attendant burdens of expense. The farmer-fishermen of the provincial coasts leave the plow in the furrow and the haycart in the field, and take to the simple implements and open boats with which fishing from the shore is prosecuted when the mackerel show themselves. They cure their catch as a part of their home labor, and ship it, at low rates, to our market by bottoms which make a returning commercial freight. At these odds, the share of the inshore mackerel fishery of the Gulf of St. Lawrence seemed to our fishermen but a poor addition to their former extensive rights to be purchased by so great a

disadvantage in their general fishing industry on our own coasts and in the deep-sea as well as the inshore fisheries of the provincial waters.

These views, too, were confirmed by our experience during the reciprocity arrangement and after its close. Both periods, unmistakably, marked the policy of an open market for the products of the provincial fisheries as disastrous to our fishing industry.

With these opinions and these experiences, on the one side and on the other, the High Commissioners undertook an adjustment of the opposing interests upon the principle of obliterating the sea-line between the fishermen of the two countries, and finding such compensation for this concession as might seem equal and just.

In the conferences of the Joint High Commission, it is very apparent that our High Commissioners regarded the obliteration of the sea-line as of no great pecuniary value to our fishing industry. Accordingly, they offered but a million of dollars for this concession, in perpetuity. No doubt, politically and in the interest of good neighborhood, this government did regard, and at all times would regard, the restoration of the relations between the two countries, in the common enjoyment of these fisheries, to the ancient footing of the treaty of 1783, as most grateful in sentiment and as a most valuable guarantee against any renewal of strife. These considerations, for reasons already stated, could not be worthily entertained upon either side as an element of the pecuniary measure of the privileges to be accorded.

In these conferences it is not less apparent that Her Majesty's High Commissioners recognized the possession of our market for the product of the provincial fisheries as the one thing essential to the prosperity of those fisheries, which could not be dispensed with or replaced by any money purchase. This commercial advantage was, of course, both practically and suitably to the dignity of the negotiation, measurable in money. It seemed to our High Commissioners to exceed in value to the provinces, as it unquestionably did in loss to us, any reasonable estimate of the value of the privilege our fishermen were to acquire. This basis, however, of freedom of the fishing-grounds to our fishermen, and the freedom of our market to the fishermen of the provinces, in simplicity and rational equivalency, presented advantages which might well have dispensed with any nice calculation of comparative pecuniary values in the exchange.

Her Majesty's High Commissioners, however, thought that this exchange of privileges, even with the added concession on our part of throwing open to the provincial fishermen unrestricted participation in the valuable inshore fisheries of our own coasts above the 39th parallel, left still a claim for a pecuniary make-weight in favor of the provinces in the nature of owelty of partition. This led to the constitution of the Halifax Commission, to consider and decide the single question whether, and how much, the pecuniary measure of the new fishing privilege opened to the United States fishermen exceeded the pecuniary measure of the new fishing privilege opened to the provincial fishermen and of the possession of our market, free of duty, for all the products of the provincial fisheries. This difference between the two pecuniary valuations was, in the nature of the problem, no less than by the terms of the treaty, to be expressed and paid in money.

Upon the conclusion of the labors of the Halifax Commission and the communication of the concurring judgment of the two commissioners, awarding the sum of \$5,500,000 as the amount to be paid by the United States under the fishery articles of the Treaty, and the judgment of the dissenting Commissioner that no sum whatever was payable by the United States under those articles, it became the duty of this Govern-

ment to compare this result with the authority imparted to the Commission by the Treaty, and to determine whether it comported with or transcended such authority.

It will not, I think, be questioned by Her Majesty's Government that, upon the proofs and arguments, in whatever form submitted by the two governments to the Commission, the practical measure of the concession to the United States, under Article XVIII of the Treaty, was simply of a free and equal right to take part in the fisheries of the Gulf of St. Lawrence within the three-miles line, instead of being excluded therefrom, as we were under the Convention of 1818. Nor do I anticipate that you will find any dissent on the part of Lord Salisbury from the proposition that the proofs fully show that the fishery thus opened to us was the mackerel fishery within that line. While both governments must regret that the sure footing for a concurrence of views between them, which might have been furnished by a careful system of protocols of the conferences of the Commission, is wanting, yet the proofs on both sides leave this proposition in no doubt. Indeed, since the publication by Parliament of the "Correspondence respecting the Halifax Fisheries Commission" has disclosed the advices given, from time to time, to Her Majesty's Government by Mr. Ford, the very intelligent and circumspect British agent in attendance upon the Commission, of the developments of the real subject for valuation, there seems no room for any difference of views between the two governments on this point. Thus, in his dispatch of September 10, 1877, presenting the position, upon the completion of the British evidence, and before the opening of the proofs on the part of the United States, Mr. Ford says: "The mackerel fishery, being that most extensively pursued by Americans in British waters, is the branch of inquiry to which the greatest attention was devoted." In giving, too, in the same dispatch, the general results of any pecuniary measure of benefit to the United States fishermen from the concession of Article XVIII of the Treaty, which the completed British proofs had presented as a basis for an award, Mr. Ford makes it very apparent that the mackerel catch within the three-mile line was the only item of appreciable importance. He says: "According to the evidence adduced on the British side, it seems beyond doubt that at least three-quarters of the mackerel taken on the British North American coast is caught within the three-mile limit; while, owing probably to the existence of sandy shoals at some distance from the shore, the catch of this fish in United States waters north of the 39th parallel of north latitude is principally beyond that distance." Mr. Ford also, upon the mere British proofs, no less distinctly excludes the cod fishery as an element of the computation of the value to us of the concession of Article XVIII. He says, "The cod fishery is pursued to a limited extent only by United States fishermen within British territorial waters, and this is probably the case with hake, haddock, pollock, &c." And, again, "The evidence is somewhat vague as to the proportion of cod-fish taken by Americans in British inshores, and it does not probably amount to anything considerable, except on certain portions of the north shore of the Gulf of St. Lawrence."

Mr. Ford's dispatch, upon a survey of the counter-proofs of the United States, which had just been completed, under date of October 30, 1877, presents the contention between the parties and as recognized by both sides in the same light. He says:

Seventy-eight witnesses, in all, have been examined, and 280 affidavits filed, on the United States side; and, as was the case on the British side, the main part of it has been directed to the mackerel fishery, with regard to which the United States counsel have sought to establish the following salient points:



1. That the fishing grounds principally resorted to by the United States fishermen in the Gulf of St. Lawrence are on the Banks situated outside the three mile limit and at the Magdalene Islands, to which they had access previous to the conclusion of the Treaty of Washington.

2. That the fishing business is at the best an unprofitable one, as regards its net results to the owners or charterers of vessels. A mass of statistics has been put in evidence, with a view to prove this assertion and to show that the Canadian inshore fisheries can hardly be pursued by United States citizens except at a loss; while those on their own shore yield a greater prospect of remunerative results.

3. That the remission of duties on Canadian fish is a great benefit to the producer, inasmuch as the chief market for mackerel is the United States.

In the same dispatch, Mr. Ford, in certain observations of his own upon the countervailing force of the proofs of the United States, as a whole, against the British proofs, as a whole, shows that the valuation of the inshore mackerel fishery of the Gulf of St. Lawrence opened to our fishermen was the whole matter of contention before the Commission in respect of the concession of Article XVIII of the Treaty. He remarks:

I may, however, observe that as it has never been denied, even by the British side, that a certain portion of the mackerel taken by the United States vessels in the Gulf of St. Lawrence is caught outside the three-mile limit, there could be no difficulty in producing a considerable number of fishermen who would truthfully depose that the majority of their successful trips had been made outside the limit of British territorial jurisdiction. The main fact, however, remains practically intact, viz: that without access to the inshores it would be impossible for the general business of mackerel fishing by United States vessels in the Gulf of St. Lawrence to be pursued with profitable results.

It seems to this government quite certain, then, that upon a correct exposition of the submission of the treaty, and the concurring action of the two governments, in the production and application of what they deemed appropriate proofs, what the pecuniary value of our participation in the inshore mackerel fishery of the Gulf of St. Lawrence was fairly estimable at, constituted the extreme limit of any possible pecuniary award by the Halifax Commission against the United States. If upon any rational view of the criteria of this value before the Commission the award of the two concurring commissioners of \$5,500,000 as a twelve years' purchase of the privilege can be maintained, it may be fairly conceded that the imputation of invalidity to the award for transcending the submission of the Treaty will fail of adequate demonstration. If, on the other hand, the candid exploration of the evidence shall show that there exists no rational proportion between this award and the unquestionable limits of value which any view of the testimony must assign to the subject submitted for valuation by the Treaty as correctly interpreted, then, by the very statement of the proposition, it is demonstrated that the concurring commissioners have passed their judgment of valuation upon some other subject than that defined in Article XVIII of the Treaty, and have transcended the submission to their decision. In such case the antecedent authority imparted to the Commission by the two governments fails to justify the award, and the subject of the fisheries remains at the arbitrament of the two governments, unobstrained, though perhaps enlightened, by the deliberations of the Halifax Commission.

In proceeding to apply the proposed test of conformity or non-conformity between the award and the submission, I disclaim all right to trench upon the range of discretion, or to dispute the entire freedom in comparing, weighing, and extracting the true results from evidence which belongs to such special tribunals as the Halifax Commission. I shall not seek, in the least, to impose any views of my Government upon the evidence in the place of any that may be assumed, even, to have been

taken by the concurring commissioners. I do, however, insist that upon any question of fact, within the submission, the record of the evidence cannot be surpassed by spontaneous conjectures or imaginations of the commissioners. I have no difficulty in saying that the error of the concurring commissioners, if error they have fallen into, does not seem to me of this nature. That error is not of mistaking the evidence adduced upon the subject submitted to them, but of mistaking the subject submitted to them, and thus liberating their judgments from obedience to the evidence as thus adduced.

Fortunately, there are trustworthy criteria for determining the value of the concession of Article XVIII, as I have defined that concession to be. They are resorted to, upon one side and the other, and confessedly furnish the material upon which the appraisement, if confined to the subject as truly defined, must turn. If, then, upon the evidence, if found conflicting or divergent, the largest measure of valuation deducible therefrom be given in favor of the concession of Article XVIII, and that extreme value shall show no rational or approximate relation to the sum awarded, there would seem to be no escape from the conclusion that the concurring commissioners accepted some other subject for their appraisement than that submitted to them.

It happened that before the Halifax Commission had concluded its labors five fishing seasons of the Treaty period had already elapsed, and the actual experience of the enjoyment by the United States fishermen of the privilege conceded replaced any conjectural estimate of its value by reliable statistics of its pecuniary results. These statistics disclosed that the whole mackerel catch of the United States for these five seasons in the Gulf of St. Lawrence, both within and without the three-mile line, was 167,945 barrels. The provincial estimates claimed that three-quarters of this catch was within the three-mile line, and so to be credited to the privilege conceded by Article XVIII. The United States estimate placed the proportion at less than a quarter. Upon the provincial claim of three-quarters, the product to our fishermen of these five years of inshore fishing would be 125,961 barrels. It was established, upon provincial testimony, that the price which mackerel bore in the provinces, cured and packed ready for exportation, was \$3.75 per barrel, and this would give as the value, cured and packed, of the United States inshore catch for five years, the sum of \$472,353. But in this value are included the barrel, the salt, the expense of catching, curing, and packing, which must all be deducted before the *profit*, which measures the value of the fishery privilege, is reached. Upon the evidence, a dollar a barrel would be an excessive estimate of net profit, and this would give a profit to our fishermen, from the enjoyment for these five seasons of the fishery privilege conceded under Article XVIII, of but \$25,000 a year, or for the whole treaty period of twelve years of \$300,000.

Although there would seem to be no reason for distrusting this commercial and pecuniary measure of the privilege in question, yet if it should be pretended that the provincial value should not be taken, but the value in the market of the United States; and, further, that an extravagant rate of \$10 per barrel should be assumed as that value, and, again, beyond all bounds of even capricious estimate, a conjectural profit of 50 per cent. should be assigned to the fishing adventures, we should have but \$125,000 a year, or \$1,500,000 for the entire twelve years of the treaty, for the gross valuation of the concession to the United States by Article XVIII, undiminished, by a penny, for the counter-concessions of the United States of Articles XIX and XXI. Yet this sum, thus reached, is but little more than one-quarter of the

award of the concurring commissioners, after taking into account the deductions required for the privileges of Articles XIX and XXI.

The proofs disclose another wholly independent criterion of the value of the privilege conceded to our fishermen by Article XVIII of the treaty, drawn from the experience of some years intervening between the abrogation of the reciprocity treaty and the negotiation of the treaty of Washington. The provincial government in these years adopted a license system by which vessels of the United States were admitted to the inshore fishery upon the payment of fees for the season, rated by the ton. The experience of this system showed that under an exaction of 50 cents per ton our fishing-fleet generally took out licenses; that when the fee was raised to \$1 per ton, the number of licenses fell off about one-half; and when a fee of \$2 per ton was exacted, but few licenses were taken out. The fairness of this measure of the value of the privilege is obvious. It furnishes a compensatory rate between opposing interests, suggested and acted upon by them without coercion, and by concurring consent.

The tonnage, taking out licenses under the first and lowest rate, was about 32,000 tons. Assuming, contrary to experience, that this tonnage would have borne the highest rate of \$2 per ton, the sum of \$64,000 per annum would have measured the value of the privilege in question, and would have yielded for the treaty period of twelve years \$768,000. By this method the valuation of the privilege of Article XVIII (without deducting a penny for the counter-privileges of Articles XIX and XXI) would be but about 14 per cent. of the award of the concurring commissioners, after they had taken into account these privileges.

You will say, then, to Lord Salisbury, that with every anxiety to find some rational explanation of the enormous disparity between the pecuniary computations of the evidence and the pecuniary measure announced by the concurring commissioners, this government has been unable to do so upon any other hypothesis than that the very matter defined in Article XVIII, and to which the proofs on both sides were applied, and the very matter measured by the award of the concurring commissioners, were not identical nor even similar, and that such award, upon this reason, transcends the submission.

The demonstration at which I have aimed appears so conclusive upon the mere consideration of the concession of Article XVIII, as to supersede, so far as the immediate argument goes, an exhibition of the reduction even of the moderate sum above assigned as the true appraisal of the concession of that article by the pecuniary value, as laid before the commission, of the counter-concessions of Articles XIX and XXI. But a brief statement of the views of this Government on the treatment of these counter-concessions in the deliberations of the Halifax Commission is requisite both to the completeness and the frankness of this exposition.

In brief, it may be said that Her Majesty's Government formally insisted in their "Case" and in their "Reply," laid before the commission, that the concession of Article XIX, whereby British subjects are admitted to the freedom of our coast fisheries north of the thirty-ninth parallel, is, to quote the language of the "Case," "absolutely valueless"; and that the concession of Article XXI, admitting fish and fish-oil, the product of the provincial fisheries, to our markets duty free, to quote the language of the "Reply," "has not resulted in pecuniary profit to the British fishermen, but, on the contrary, to the American dealer or consumer."

If I have been at all successful in showing the enormous disproportion

between the sum of \$5,500,000 announced as their award by the concurring commissioners, and the pecuniary value which the evidence assigns to the concessions of Article XVIII, by itself considered, I need spend little time in showing that these commissioners must have accepted the views of Her Majesty's Government that nothing was to be allowed for countervailing value to the concessions of Articles XIX and XXI, or, that these commissioners had in their minds a measure for the concession of Article XVIII, still more inconsistent with the true treaty definition of the subject described in that article and submitted to the appraisement of the Commission.

If the concession of Article XIX was held by these commissioners to be "absolutely valueless," as asserted in the "Case" of Her Majesty's Government, it must have been because the *pecuniary profit* to the provincial fishermen of the privilege, as actually enjoyed by them, was the true measure of estimation of the value of the concession. In this view, the immense value of these fisheries, as shown in the evidence, all went for nothing, because the population, capital, or enterprise in the provinces could not carry on, what to them were, remote fisheries in competition with our own coast population. Without insisting upon the unreasonableness of measuring the value of our fishing grounds by the incapacity of provincial resources to engage in the fishery opened to them, this disposition of the value of the concession of Article XIX recognizes the whole force and result of the reasoning by which I have assigned the true criteria of value for the privilege of Article XVIII, under the experience of the actual five years' enjoyment thereof by our fishermen, who *were* able to take advantage of the privilege, and did so to the furthest extent compatible with profit. The vice of the reasoning by which a right of fishing, valuable in its own capacity, is measured by the tenant's incapacity to fish, is obvious. It furnishes no true criterion of the rent value of a fishery, which is what was needed to be got at both under Article XVIII and Article XIX. Under Article XVIII we furnished a true criterion by the experience of a tenant, confessedly, willing and able to improve the fishery to the utmost, and actually doing so.

I now desire you to present to Lord Salisbury's attention the subject of the concession of a free market in the United States for the products of the Provincial fisheries as made by Article XXI. The value of this privilege to the Provinces was required by the Treaty to be measured by the Halifax Commission and deducted from their appraisement of the concession of Article XVIII in favor of the United States.

The statistics of the importation under this privilege showed that at the rate of duty prevalent before that concession, a revenue of about \$200,000 per annum on mackerel alone, and of more than \$300,000 on all kinds of fish (mackerel included) and fish oil, would have accrued to the United States. For the purpose of argument, conceding that but one-half of this annual sum of \$300,000 should be set down as pecuniary profit to the Provincial interests, the sum of \$1,800,000 would need to be deducted on the score of Article XXI from the true valuation of the privilege conceded by Article XVIII. If I have assigned correctly the highest possible measure of the privilege of Article XVIII, upon the evidence, as being not more than \$1,500,000, this low valuation of the privilege of Article XXI more than extinguishes it.

Whatever disposition the concurring Commissioners made of this countervailing concession of Article XXI—whether they gave it a value commensurate with the statistical evidence of the revenue loss to the

United States and market gain to the Provincial interest, or considered it absolutely valueless—the matter is one of much moment.

If these concurring Commissioners gave the sum of \$5,500,000 as the appraisement of the concession of Article XVIII, *after deducting some two million dollars* for the countervailing concession of Article XXI, the argument, as it seems to this government, adequate before, becomes still more conclusive that the measurement, thus enhanced to some \$7,500,000, was not applied and confined to the very subject submitted to the appraisement of the Commission by Article XVIII.

But, it may be said, these concurring Commissioners may have treated the concession of Article XXI as absolutely valueless to the Provincial interests, and it was competent to them to do so. But this alternative is little consistent with the whole tenor of the views of Her Majesty's Government as maintained by successive cabinets and insisted upon in responsible negotiations, by their most eminent representatives, through a long course of years. Certainly, ever since 1851, when Lord Elgin, as governor-general of Canada, communicated through the British Minister at Washington, Sir Henry Bulwer, to Mr. Webster, Secretary of State, the opinion of the British Government that the admission of the product of the Provincial fisheries duty free to our market was the one indispensable condition to our participation in the inshore fisheries of the Provinces, down to the negotiation of the Treaty of Washington, the attitude of the British Government on this point has been explicit and unequivocal.

Lord Elgin declared:

Her Majesty's Government are prepared, on certain conditions and with certain reservations, to make the concession to which so much importance seems to have been attached by Mr. Clayton, viz: to throw open to the fishermen of the United States the fisheries in the waters of the British North American Colonies, with permission to those fishermen to land on the coast of those colonies for the purpose of drying their nets and curing their fish; provided that in so doing they do not interfere with the owners of private property, or with the operations of British fishermen.

Her Majesty's Government would require, as the indispensable condition in return for this concession, that all fish, either fresh or cured, imported into the United States from the British North American possessions, in vessels of any nation or description, should be admitted into the United States duty free, and upon terms in all respects of equality with fish imported by citizens of the United States.

The deliberations of the Joint High Commission, as presented in the protocols of their conferences on the fisheries, exhibit with perfect distinctness the British opinion as to a free market for the product of the Provincial fisheries being a value to Provincial interests which could not be missed, or replaced by a pecuniary substitute, in any settlement of the question. Thus, our High Commissioners stated "that if the value of the inshore fisheries could be ascertained, the United States might prefer to purchase for a sum of money the right to enjoy, in perpetuity, the use of those inshore fisheries in common with British fishermen, and mentioned \$1,000,000 as the sum they were prepared to offer." The British High Commissioners replied "that this offer was, they thought, wholly inadequate, and that no arrangement would be acceptable of which the admission into the United States, free of duty, of fish the produce of the British fisheries, did not form a part." After a consideration of commercial equivalents, in which the offers of our High Commissioners were not accepted by the British High Commissioners, all such propositions, on our part, were withdrawn, and our Commissioners renewed their proposal to pay a money equivalent for the use of the inshore fisheries, and further proposed that, in case the two governments should not be able to agree upon the sum to be paid as an equivalent, the matter should be referred to an impartial com-

mission for determination." To this the British High Commissioners replied "that it would not be possible for them to come to any arrangement except one for a term of years, and involving the concession of free fish and fish oil by our Commissioners; but that if free fish and fish oil were conceded, they would inquire of their government whether they were prepared to assent to a reference to arbitration as to money payment." Our High Commissioners replied "that they were of opinion that free fish and fish oil would be more than an equivalent for those fisheries, but that they were also willing to agree to a reference to determine that question and the amount of any money payment that might be found necessary to complete an equivalent." Hereupon, as stated in the protocol, "the British Commissioners having referred the last proposal to their government and received instructions to accept it," the fishery articles of the treaty were agreed to.

These opinions of Her Majesty's Government were entirely in accord with the views of the leading Provincial statesmen. Mr. Stewart Campbell, of Nova Scotia, declared that, "under the Reciprocity Treaty, the total exemption from duty of all fish exported from the maritime provinces to the markets of the United States was also a boon of inestimable value to the very large class of British subjects directly and indirectly connected with our fisheries and its resulting trade." Sir John Macdonald said, in the Parliament of the Dominion, "the only market for the Canadian No. 1 mackerel in the world is the United States. That is our only market, and we are practically excluded from it by the present duty. The consequence of that duty is that our fishermen are at the mercy of the American fishermen. They are made the hewers of wood and the drawers of water for the Americans. They are obliged to sell their fish at the American's own price. The American fishermen purchase their fish at a nominal value, and control the American market. The great profits of the trade are handed over to the American fishermen or the American merchants engaged in the trade, and they profit to the loss of our own industry and our own people."

It may be that Her Majesty's Government has surrendered these opinions, and that the statesmen of the Dominion, and the people of the Provinces, now think that the possession of our market for the products of the Provincial fisheries is of no pecuniary advantage to these Provincial interests. In such case, in any future negotiations respecting the fisheries, this Government would expect no stress to be laid upon this question of the possession of our own markets.

If Her Majesty's Government accepts the award of these concurring Commissioners as carrying the necessary consequence that the concession of Article XXI is of no value to British or provincial interests, that element of calculation will disappear from any possible exchange of equivalents that the exigencies of any future friendly negotiations may need to find at their service. A privilege that is valueless when granted to and enjoyed by a beneficiary may well be reserved and withheld without the charge of its being even ungracious to do so.

If, on the other hand, Her Majesty's Government adheres to the views of the value of our market for the product of the provincial fisheries, so often and so earnestly pressed upon the attention of this Government, and asserts that the award of the concurring commissioners must be held, upon necessary reasoning, to have measured and deducted this great value of free market from the appraisalment of the concession of free fishing to us, made by them under Article XVIII, this Government will expect the more ready acceptance by Her Majesty's Government of the proposition, that these concurring commissioners, in their award, mis-

took the subject submitted by Article XVIII to their pecuniary measurement, and exceeded the authority under which the Commission acted.

You will, however, very earnestly press upon Lord Salisbury's attention in advance of any declaration from Her Majesty's Government of their present views of the value of our markets for the products of the provincial fisheries, that this Government has not changed or at all modified its opinions on this subject. To dissemble or conceal from Her Majesty's Government this fact would be uncandid, and, by silence on our part now, breed mischief for future contentions or negotiations. This Government holds now, as it did by the mouth of its High Commissioners in the conferences on the subject of the fisheries which produced the pertinent articles of the treaty, "that free fish and fish-oil would be more than an equivalent for those fisheries." The measure of pecuniary value which I have drawn from the revenue loss to the United States, calculated with extreme moderation, is an inadequate expression of the benefit to provincial interests and injury to our own from free importations.

It is still the opinion of this Government that the possession of our market is of vital importance to the maritime provinces, and such possession a formidable menace, if not a fatal wound, to our own fishing interests. I do not think that I misunderstand or misrepresent those interests when I say that standing, as we now do, midway in the treaty-period, it would be better for those interests to surrender the enjoyment of the fishing privilege of Article XVIII for the remaining six years of the twelve, upon a resumption by this Government of the control of our own market for this unexpired period. If Her Majesty's Government and the Provincial statesmen are firm in the opinion that the concession of Article XVIII parts with so much to us, and the concession of Article XXI is valueless to British and Provincial interests, it may well be worth while for the two governments to consider whether a mutual resumption of those exchanged interests may not be desirable.

In the future, as in the past, this Government will go very far in concessions to remove occasions of strife between the fishermen of the two nations. But these contributions to good-will, as I have before insisted, are not to be confounded with pecuniary tribute on one side or the other. It was in this spirit that free importation of coal, salt, and lumber, which was in debate as a measure of wholly domestic interest to ourselves, but with divided opinions, was proposed to the British Government for reciprocal arrangements in respect of these articles to be incorporated in the Treaty of Washington. The proposal was rejected by the British Government and the Provincial interests, doubtless, upon a measuring cast as to whether this reciprocity carried more benefit or injury to Provincial interests, and what we thought an appreciably greater advantage to the Provinces than to ourselves, was rejected as unimportant to them. The contrast between this indifference to a free market for coal, salt, and lumber, and the inexorable demand for a free market for fish and fish-oil, speaks volumes for the pecuniary value of this latter to Provincial interests.

Her Majesty's Government, it may reasonably be assumed, has given to this award of the concurring commissioners its careful attention, and subjected it, in the light of the diplomatic negotiations which established the Halifax Commission, and the evidence before that Commission, to a comparison with the authority imparted by the treaty, to determine whether it conforms to the authority and is valid, or transcends that authority, and, for that reason, is void. Whatever opinion Her Majesty's Government may have formed on this point has not, so far as this Government is aware, been made public at home, and has not been communicated to this Government.

In inviting a full exposition of the views of Her Majesty's Government upon the matter, as now brought into consideration between the two governments, you will say to Lord Salisbury that, wholly unsupportable as the pecuniary measure of the single and fragmentary matter, not embraced in the diplomatic concurrence of the High Joint Commissioners, and thus left by them to impartial appraisal, seems to this Government, it will receive and examine with entire candor any opposing views in maintenance of the validity of the award which Her Majesty's Government may present. If, as I shall not cease to anticipate, Her Majesty's Government shall agree that the subject submitted to the Halifax Commission has not been adequately disposed of by the concurring commissioners, the way will seem to this government to be thereby opened for a more permanent and comprehensive settlement of the fishery interests of the two countries than was reached by the Treaty of Washington.

If the present correspondence shall not result in this desired agreement, and even if the opposing views which may be communicated by Her Majesty's Government should affect our present judgment in the very matter of the *validity* of the award, I cannot, in all candor, hold out any expectation that this government can ever recognize the valuation of the countervailing concessions of Articles XVIII, XIX, and XXI, involved in this award as a guide even, much less a standard, for any future treatment of the fishery contentions, which the exigencies of the situation, as now left, may require.

Passing from the grave question which touches the essential elements of the award, upon considerations vital to the whole system of arbitration, I desire you, further, to call Lord Salisbury's attention to a particular point in the actual award; that is to say, the failure of the three commissioners to agree in any result, and the consequent announcement of that inability, and the promulgation of the widely different conclusions which the two concurring commissioners and the dissenting commissioner had reached.

The question presented on the face of the award of the Halifax Commission, viz, whether the concurrence of the three commissioners in their award was required by the Treaty, was made a matter of public discussion both in Great Britain and in the Provinces, before and during the sitting of the Commission. In this discussion, so far as it has fallen under my notice, the legal, political, and popular organs of opinion seemed quite positive that this unanimity was required by the Treaty. In this country the matter was little considered, either because the British view of the subject was accepted, or because complete confidence in our case, on its merits, superseded any interest in the question. The point comes up now, for the first time, for consideration between the two governments, and will need attention from either, only in case Her Majesty's Government should fail to concur in the views of this Government, which condemn the award on the grave grounds already presented.

The question involves nothing more than the interpretation of the Treaty, and it is quite clear of any intermixture with the substance of the award, as satisfactory or unsatisfactory to either party. It turns, first, upon the mere text of the Treaty; and, second, upon the surrounding circumstances and the different subjects to be treated by the various Boards of Arbitration framed by the Treaty of Washington, so far as they may be rightly resorted to in aid of a just construction of the text.

By the Treaty of Washington, four boards are constituted for the determination of certain matters to be submitted to their respective decisions:

First. The Geneva Arbitration was composed of five members, in re-



gard to whose deliberations and conclusions Article II of the Treaty expressly provides that "all questions considered by the tribunal, including the final award, shall be decided by a majority of all the arbitrators."

Second. A Board of Assessors under the Geneva Arbitration, in case the tribunal should not award a gross sum, was to be composed of three members. In the action of this board, Article X of the Treaty declares that "A majority of the assessors in each case shall be sufficient to a decision."

Third. A commission of three members, to determine reciprocal claims between the two countries arising during the civil war. Article XIII provides that "A majority of the commissioners shall be sufficient for an award in each case."

Fourth. The Halifax Commission, composed of three members, undistinguished, among themselves, by any ascription of unpirage to either, and with no provision in any form for an award by less than the whole number. The Treaty expressly accepts awards, signed by the assenting arbitrators or assessors or commissioners under the other articles, while in the case of the Halifax Commission, this provision takes the place of such acceptance: "The case on either side shall be closed within a period of six months from the date of the organization of the Commission, and the Commissioners shall be requested to give their award as soon as possible thereafter."

The argument from this comparison is obvious. The High Contracting Parties possessed a common system of jurisprudence, according to which a reference to *arbitrators, ex vi termini*, required the award to be the act of the arbitrators—that is, of all of them. The *parties* to an arbitration, public or private, might accord to any lesser number the power of award, but express stipulations in the submission alone could carry that authority. Acting in full view of this rule, to which a desired exception needed to be expressed, in *three* cases, in the same deliberate and solemn instrument, the High Contracting Parties imparted the authority to a majority by careful and solicitous provisions to that end. In the case of the Halifax Commission, last in the order of the Treaty, and with the previous arrangements, in this regard, in their minds and under their eyes, this power is withheld.

It is impossible, because it is plainly irrational, to say that a treaty provision containing power to a majority to bind, and a treaty provision expressing no such authority, mean one and the same thing. The High Contracting Parties have excluded any such conclusion by the sedulous discrimination which the text of the Treaty discloses.

To the countervailing suggestion that this variation from the system of the Treaty, in the case of the Halifax Commission, is most reasonably accounted for by inadvertence on the part of the High Joint Commissioners, the answer is obvious. If either of the High Contracting Parties should so allege, which it certainly would not do without much deliberation, the suggestion would not affect the argument as to the meaning of the Treaty as it stood, but would be in the nature of an appeal to the other High Contracting Party to waive the objection and reform the Treaty. No doubt cases may exist where such appeals should be frankly responded to, though against interest.

But you will say to Lord Salisbury that the suggestion of inadvertence in the negotiations, never to be lightly indulged in, overlooks an adequate and, presumptively, the real reason for the requirement of unanimity in the case of the Fisheries Commission, while it was expressly waived in the other submissions of the treaty.

In the matters of computation submitted in the several other refer-

ences of the Treaty, two circumstances distinguished them from that submitted to the award of the Halifax Commission. First, they were wholly matters of determinate proof—an appraisement of the ships and cargoes destroyed by the *Alabama* and her consorts—an estimation of damages to persons or property suffered by individual British subjects, or American citizens, for which reparation should be made: these were matters of definitive affirmative proof, in pounds or dollars, before any award could be asked, and were subject to correction by equally definite opposing proofs before any award could be granted. Second, the assessments carried no measurement of any still-subsisting interests between the High Contracting Parties which would survive the payment of the several awards. It was, then, quite suitable to these references to accept the judgment of a majority and dispense with the concurrence of both parties, as represented in the Commissions, in the result of the contentions before them.

The matter submitted to the Halifax Commission was different in nature, and in the relations of the High Contracting Parties to the subject of contention. Both these traits of this dispute conspired to urge upon the High Contracting Parties the need of every possible guaranty against unreasonable or illusory estimates on the part of the Commission, to the prejudice of one party or the other. Besides, this computation touched a matter in which large classes and interests of either community felt a concern, and it was essential that dissatisfaction with results should be alleviated by confidence in the judgment. So vague a subject of valuation as the twelve years' prospective catch of mackerel within three miles of the shore, on the coasts of the United States and of the Provinces, so diffuse a problem as the distribution of the burdens of duties between producer and consumer, gave too large a range for floating speculations unless anchored to sober sense by the requirement of unanimity. The permanent importance of these valuations, in the future negotiations of the two countries, forbade their submission to any commission uncontrolled by the necessary concurrence of the representatives of both countries in any award. The interests and feelings of the large populations, on one side and the other, dependent for prosperity if not for livelihood on these fisheries, made the two governments careful to secure them, in any result, against a sense of injustice, as well as of disappointment, by this conservative requirement of unanimity.

In submitting to Her Majesty's Government the failure of the commissioners to come to the agreement which, in this interpretation of the Treaty, is requisite to the validity of the award, this government wishes to lay no undue stress upon this objection. If Her Majesty's Government concurs in this construction of the authority conferred upon the Halifax Commission, this agreement between the governments will enable them, presently, to make more complete, as well as more satisfactory, arrangements for the reciprocal interests of the industry and commerce of the Provinces and of the United States, than at present exist. If, on the other hand, Her Majesty's Government shall announce to this Government their construction of the Treaty to be, that the concurrence of a majority of the commissioners warrants a valid award, notwithstanding the declared dissent of the third commissioner, this Government will not refuse to accord to that opinion thus expressed all the weight which it desires for its own views.

You will therefore say to Lord Salisbury, that, upon such a declared disagreement upon the true interpretation of the Treaty, in respect of unanimity of the commissioners, this Government will regard the maintenance of entire good faith and mutual respect in all dealings, under

the beneficent Treaty of Washington, as of paramount concern, and will not assume to press its own interpretations of the Treaty on this point against the deliberate interpretation of Her Majesty's Government to the contrary.

You will promptly communicate these views to Her Majesty's Government, by delivering a copy of this dispatch to Lord Salisbury and requesting an early attention to its contents.

I am, &c.,

WM. M. EVARTS.

---

No. 192.

*Mr. Evarts to Mr. Welsh.*

No. 150.]

DEPARTMENT OF STATE,  
*Washington, September 28, 1878.*

SIR: I received in due course your dispatch of August 24 ultimo, inclosing Lord Salisbury's reply of the British Government to the representations that had been made to it as early as March last by you, under instructions from the Department.

I must understand Lord Salisbury's note, accompanying the copy of Captain Sullivan's report, which he communicates to this government, as adopting that naval officer's conclusions of fact respecting the violent injuries which our fishing-fleet suffered at the hands of the Newfoundland fishing population at Fortune Bay, in January of this year, as the answer which Her Majesty's Government makes to the representations laid before it on our part, verified by the sworn statements of numerous and respectable witnesses.

His lordship has not placed in our possession the proofs or depositions which form the basis of Captain Sullivan's conclusions of fact, and I am unable, therefore, to say whether, upon their consideration, the view which this Government takes of these transactions, upon the sworn statements of our own respectable citizens, would be at all modified. In the absence of these means of correcting any mistakes or false impressions which our informants may have fallen into in their narrative of the facts, it is impossible to accept Captain Sullivan's judgment upon undisclosed evidence as possessing judicial weight.

You will, therefore, lay before Her Majesty's Government the desire which this Government feels to be able to give due weight to this opposing evidence, before insisting upon the very grave view of these injuries which, at present, its unquestionable duty to the interests which have suffered them, and its confidence in the competency and sobriety of the proofs in our possession, compels this government to take. Should Her Majesty's Government place a copy of the evidence upon which Captain Sullivan bases his report in your hands, you will lose no time in transmitting it for consideration. I regret that any further delay should thus intervene to prevent an immediate consideration of the *facts* in the matter by the two governments in the presence of the same evidence of those facts for their scrutiny and judgment.

But a careful attention to Lord Salisbury's note discovers what must be regarded as an expression of his views, at least, of the authority of provincial legislation and administrative jurisdiction over our fishermen within the three-mile line, and of the restrictive limitations upon their rights on these fishing-grounds under the Treaty of Washington. Upon

any aspect of the evidence, on one side and the other, as qualifying the violent acts from which our fishing-fleet has suffered at the hands of the Newfoundland coast-fishermen, the views thus intimated seem to this Government wholly inadmissible, and do not permit the least delay on our part in frankly stating the grounds of our exception to them.

The report of Captain Sullivan presents, as a justificatory support of the action of the Newfoundland shore-fishermen, in breaking up the operations of our fishing-fleet inside the three-mile line, at the times covered by these transactions, the violation of certain municipal legislation of the Newfoundland Government which, it is alleged, our fishermen were in the act of committing when the violent interruption of their industry occurred. I do not stop to point out the serious distinction between the official and judicial execution of any such laws and the orderly enforcement of their penalties after solemn trial of the right, and the rage and predominant force of a volunteer multitude driving off our peaceful occupants of these fishing-grounds pursuing their industry under a claim of right secured to them by treaty. I reserve this matter for a complete examination when the conflicting proofs are in my possession.

I shall assume, for my present purpose, that the *manner* of exerting this supposed provincial authority was official, judicial, and unexceptionable.

I will state these justifications for the disturbance of our fishing-fleet in Captain Sullivan's own language, that I may not even inadvertently impute to Lord Salisbury's apparent adoption of them any greater significance than their very language fairly imports.

Captain Sullivan assigns the following violations of law by our fishermen as the grounds of rightful interference with them on the occasion in question :

1st. That the Americans were using seines for catching herring on the 6th of January, 1876, in direct violation of Title XXVII, chapter 102, section 1, of the consolidated statutes of Newfoundland, viz: "No person shall haul or take herring by or in a seine or other such contrivance on or near any part of the coast of this colony or of its dependencies, or in any of the bays, harbors, or other places therein, at any time between the 20th day of October and the 25th day of April."

2d. That the American captains were setting and putting out seines and hauling and taking herring on Sunday, the 6th January, in direct violation of section 4, chapter 7, of the act passed 26th April, 1876, entitled "An act to amend the law relating to the coast fisheries," viz: "No person shall, between the hours of twelve o'clock on Saturday night and twelve o'clock on Sunday night, haul or take any herring, caplin, or squid, with net, seines, bunts, or any such contrivance for the purpose of such hauling or taking."

3d. That they were barring fish in direct violation of the continuance of the same act, Title XXVII, chapter 102, section 1, of the consolidated statutes of Newfoundland, "or at any time use a seine or other contrivance for the catching or taking of herrings, except by way of shooting and forthwith hauling the same."

4th. That contrary to the terms of the Treaty of Washington, in which it is expressly provided that they do not interfere with the rights of private property or with British fishermen in the peaceable use of any part of the said coasts in their occupancy for the same purpose (see Article XVIII of the above-named treaty), they were fishing illegally, interfering with the rights of British fishermen and their peaceable use of that part of the coast then occupied by them, and of which they were actually in possession, their seines and boats, their huts, gardens, and land granted by government being situated thereon.

The facts which enter into the offenses imputed under the first, second, and third heads of Captain Sullivan's statement, and such offenses thus made out, would seem to be the only warrant for his conclusion under his fourth head, that the United States fishermen have exceeded their treaty right, and in their actual prosecution of their fishing were, when interrupted by the force complained of, interfering with the rights of private property or with British fishermen in the peaceable use of that

part of the coast then being in their occupancy for the same purpose, contrary to the proviso of Article XVIII of the Treaty of Washington.

It is no part of my present purpose to point out that this alleged infraction of the reserved rights of the local fishermen does not justify the methods of correction or redress used to drive off our fishermen and break up their prosecution of the fishing. This may be reserved also for discussion when both governments have a fuller knowledge of the actual circumstances of the transaction.

In transmitting to you a copy of Captain Sullivan's report, Lord Salisbury says: "You will perceive that the report in question appears to demonstrate conclusively that the United States fishermen on this occasion had committed three distinct breaches of the law."

In this observation of Lord Salisbury, this government cannot fail to see a necessary implication that Her Majesty's Government conceives that in the prosecution of the right of fishing accorded to the United States by Article XVIII of the treaty, our fishermen are subject to the local regulations which govern the coast population of Newfoundland in their prosecution of their fishing industry, whatever those regulations may be, and whether enacted before or since the Treaty of Washington.

The three particulars in which our fishermen are supposed to be constrained by actual legislation of the province cover in principle every degree of regulation of our fishing industry within the three-mile line which can well be conceived. But they are, in themselves, so important and so serious a limitation of the rights secured by the treaty as practically to exclude our fishermen from any profitable pursuit of the right, which, I need not add, is equivalent to annulling or cancelling by the Provincial Government of the privilege accorded by the treaty with the British Government.

If our fishing-fleet is subject to the Sunday laws of Newfoundland, made for the coast population; if it is excluded from the fishing-grounds for half the year, from October to April; if our "seines and other contrivances" for catching fish are subject to the regulations of the legislature of Newfoundland, it is not easy to see what firm or valuable measure for the privilege of Article XVIII, as conceded to the United States, this Government can promise to its citizens under the guaranty of the treaty.

It would not, under any circumstances, be admissible for one government to subject the persons, the property, and the interests of its fishermen to the unregulated regulation of another government upon the suggestion that such authority will not be oppressively or capriciously exercised, nor would any government accept as an adequate guaranty of the proper exercise of such authority over its citizens by a foreign government, that, presumptively, regulations would be uniform in their operation upon the subjects of both governments in similar case. If there are to be regulations of a common enjoyment, they must be authenticated by a common or joint authority.

But most manifestly the subject of the regulation of the enjoyment of the shore-fishery by the resident provincial population, and of the in-shore fishery by our fleet of fishing-cruisers, does not tolerate the control of so divergent and competing interests by the domestic legislation of the provinces. Protecting and nursing the domestic interest at the expense of the foreign interest, on the ordinary motives of human conduct, necessarily shape and animate the local legislation. The evidence before the Halifax Commission makes it obvious that to exclude our fishermen from catching bait, and thus compel them to go without bait, or buy bait at the will and price of the provincial fishermen, is the inter-

est of the local fishermen, and will be the guide and motive of such domestic legislation as is now brought to the notice of this Government.

You will therefore say to Lord Salisbury that this Government cannot but express its entire dissent from the view of the subject that his lordship's note seems to indicate. This Government conceives that the fishery rights of the United States, conceded by the Treaty of Washington, are to be exercised wholly free from the restraints and regulations of the statutes of Newfoundland, now set up as authority over our fishermen, and from any other regulations of fishing now in force or that may hereafter be enacted by that government.

It may be said that a just participation in this common fishery by the two parties entitled thereto may, in the common interest of preserving the fishery and preventing conflicts between the fishermen, require regulation by some competent authority. This may be conceded. But should such occasion present itself to the common appreciation of the two governments, it need not be said that such competent authority can only be found in a joint convention that shall receive the approval of Her Majesty's Government and our own. Until this arrangement shall be consummated, this government must regard the pretension that the legislation of Newfoundland can regulate our fishermen's enjoyment of the treaty right as striking at the treaty itself.

It asserts an authority on one side, and a submission on the other, which has not been proposed to us by Her Majesty's Government, and has not been accepted by this Government. I cannot doubt that Lord Salisbury will agree that the insertion of any such element in the Treaty of Washington would never have been accepted by this Government, if it could reasonably be thought possible that it could have been proposed by Her Majesty's Government. The insertion of any such proposition by construction now is equally at variance with the views of this Government.

The representations made to this Government by the interests of our citizens affected leave no room to doubt that this assertion of authority is as serious and extensive in practical relations as it is in principle. The rude application made to the twenty vessels in Fortune Bay of this asserted authority, in January last, drove them from the profitable prosecution of their projected cruises. By the same reason, the entire inshore fishery is held by us upon the same tenure of dependence upon the Parliament of the Dominion or the legislatures of the several Provinces.

I cannot but regret that this vital question has presented itself so unexpectedly to this Government, and at a date so near the period at which this Government, upon a comparison of views with Her Majesty's Government, is to pass upon the conformity of the proceedings of the Halifax Commission with the requirements of the Treaty of Washington. The present question is wholly aside from the considerations bearing upon that subject, and which furnishes the topic of my recent dispatch.

In the opinion of this Government, it is essential that we should at once invite the attention of Lord Salisbury to the question of provincial control over the fishermen of the United States in their prosecution of the privilege secured to them by the treaty. So grave a question, in its bearing upon the obligations of this Government under the Treaty, makes it necessary that the President should ask from Her Majesty's Government a frank avowal or disavowal of the paramount authority of Provincial legislation to regulate the enjoyment by our people of the inshore fishery, which seems to be intimated, if not asserted, in Lord Salisbury's note.

Before the receipt of a reply from Her Majesty's Government, it would be premature to consider what should be the course of this Government should this limitation upon the treaty privileges of the United States be insisted upon by the British Government as their construction of the treaty.

You will communicate this dispatch to Lord Salisbury by reading the same to him and leaving with him a copy.

I am, sir, &c.,

WM. M. EVARTS.

No. 193.

*Mr. Hoppin to Mr. Evarts.*

No. 17.]

LEGATION OF THE UNITED STATES,  
*London, September 28, 1878. (Received October 10.)*

SIR: I have the honor to inclose copies of further correspondence upon the subject of the pardon of Edward O'M. Condon, since my last dispatch, No. 13, in relation to this matter.

I have, &c.,

W. J. HOPPIN.

[Inclosure 1 in No. 17.]

*Mr. Clifton to Mr. Hoppin.*

GOVERNMENT HOUSE, *Portland, September 13, 1878.*

SIR: His excellency the American minister, at his recent visit to Portland, for the purpose of seeing the prisoner, E. Shore, *alias* Condon, informed Captain Hume, deputy governor in temporary charge, that he was prepared to advance £10 or £15 to Shore on his release, and that fact was duly communicated to the prisoner.

A few days since, E. Shore applied to me to obtain this money for him, and on the matter being referred to the directors of convict prisons, I received instructions to apply for the same to his excellency, pointing out, at the same time, that the sum of £7 will be provided by the Crown, in addition to a suitable outfit for the voyage to America.

Under these circumstances I have ventured to address his excellency through you, and shall feel obliged by an early reply.

I have the honor to be, &c.,

GEORGE CLIFTON,  
*Governor.*

W. J. HOPPIN, Esq., &c., &c., &c.

[Inclosure 2 in No. 17.]

*Mr. Hoppin to Mr. Clifton.*

LEGATION OF THE UNITED STATES,

*London, September 16, 1878.*

SIR: On my return on Saturday evening from Liverpool, I found your note of the 13th, to which I could not conveniently reply until this morning. I regret that you had not addressed it to the legation (Members' Buildings, Victoria street, corner of Great Chapel street), as I had left instructions with Mr. Nadal, the second secretary, to send the money for Condon, in case it should be required. However, I presume it will still reach you in time for his purpose. I accordingly inclose my check to your order on the London Westminster Bank for fifteen pounds, which please send to Condon on behalf of Mr. Welsh, and also kindly acknowledge the receipt of this.

I have, &c.,

W. J. HOPPIN,  
*Chargé d'Affaires ad interim.*

GEORGE CLIFTON, Esq.,  
*Governor, Portland Prison, &c., &c., &c.*

[Inclosure 3 in No. 17.]

*Mr. Clifton to Mr. Hoppin.*

GOVERNMENT HOUSE, Portland, September 17, 1878.

SIR: I hasten with thanks to acknowledge the receipt of your letter of yesterday, forwarding me a check for £15, for Edward Shore, *alias* Condon. I have had the same cashed, and the money will be duly handed to him, and his receipt taken for the same will finally [be] transmitted to you.

I have the honor to be, &c.,

GEORGE CLIFTON,  
Governor.

W. J. HOPPIN, Esq.,

*Chargé d'Affaires ad interim, &c., &c., &c., United States Legation.*

P. S.—I informed Mr. Condon of the safe arrival of the money, and he has requested me to convey his thanks through you to his excellency the United States minister.—G. C.

[Inclosure 4 in No. 17.]

*Lord Salisbury to Mr. Hoppin.*

FOREIGN OFFICE, September 26, 1878.

SIR: I referred to Her Majesty's secretary of state for the home department, your letter of the 7th instant, inclosing copy of a communication addressed to you by the secretary of the "Political Prisoners Visiting Committee," relative to the convicts Condon and Melody, and I have the honor to acquaint you that a reply has been received stating that although the application of the committee arrived too late to be acted upon, it was, at the same time, one that could not in any case have been entertained by Mr. Cross.

It is added, however, that before leaving the prison the convicts were carefully examined by the medical officer of the establishment, who reported them to be in good health.

I have the honor to be, &c.,

SALISBURY.

W. J. HOPPIN, Esq., &amp;c., &amp;c., &amp;c.

No. 194.

*Mr. Hoppin to Mr. Erarts.*

No. 18.]

LEGATION OF THE UNITED STATES,  
London, September 28, 1878. (Received October 10.)

SIR: I have the honor to inclose the copy of a letter which was sent to the legation yesterday by the Right Honorable W. H. Smith, M. P., first lord of the admiralty, expressing their thanks to the governor of Rhode Island and the mayor of Newport for the cordial reception accorded to Admiral Inglefield and the officers and sailors of his fleet.

I have to add that I have taken the liberty to communicate to Governor Van Zandt unofficially the substance of this letter, knowing that he would be pleased to receive this expression of courtesy as early as possible.

I have, &c.,

W. J. HOPPIN.

[Inclosure in No. 18.]

*Mr. Smith to Mr. Welsh.*

AT PORTLAND, September 26, 1878.

MY DEAR SIR: I have received, both officially and privately, reports of the warm and hearty hospitality with which our squadron, under the command of Admiral Inglefield,



has been received at Newport, R. I., and I hope I shall not occasion you trouble if I beg on behalf of the admiralty that you will cause their very sincere thanks to be conveyed to the governor of Rhode Island and to the mayor of Newport for the cordial reception which was accorded to the officers and sailors of the fleet.

I have, &c.,

W. H. SMITH.

---

No. 195.

*Mr. Welsh to Mr. Erarts.*

No. 151.]

LEGATION OF THE UNITED STATES,  
London, November 1, 1878. (Received November 14.)

SIR: The attention of Her Majesty's Government has been so anxiously occupied of late with difficulties growing out of the Berlin treaty and affairs in Afghanistan that I did not anticipate an early reply to your dispatches Nos. 145 and 150.

The arrival of your telegram on the 29th ultimo, however, gave me a proper occasion for inquiring when I might expect to receive Lord Salisbury's answer, and accordingly, on the afternoon of that day, I went to the foreign office for that purpose. I found there the ambassadors of France, Austria, Germany, and Italy, and the Russian and Turkish *chargés d'affaires*, waiting for an audience of his lordship. When my turn came he received me, as he always does, very courteously, and stated what I have already communicated to you in substance by cable, that is to say, that the subject of the fisheries was entirely new to him; that he was studying it diligently, and that he would answer your dispatch in relation to the Halifax award promptly, so that you should have it before the 23d of the present month. In regard to the Newfoundland fishery disturbances, he said that he had already requested to be furnished with the evidence upon which Captain Sullivan had based his report.

The leading journals here have published telegrams from the United States, giving the substance of your instruction, No. 150, in regard to those fishery disturbances, and stating that I was directed not only to read it to Lord Salisbury but to have it printed. As your dispatch contained no request to print, I presume this was a mistake of the agent of the associated press.

These telegrams, so far, have occasioned but little editorial comment here. I inclose the only one which has come to my notice, in a slip from the *Daily Chronicle* of the 31st ultimo.

I have, &c.,

JOHN WELSH.

---

[Inclosure.]

#### THE FISHERY AWARD.

[Extract from *Daily Chronicle*, London, October 31, 1878.]

The American Secretary of State has addressed a dispatch to the English Government on the subject of the dispute which arose at the beginning of the year between the fishermen of the United States and those of Newfoundland. By treaty right the Americans are allowed to fish in Canadian waters, but the fishermen of Newfoundland considered that the limits of this right were exceeded when the Americans not only used their seines in inshore waters, but actually fastened some of them to the shore. The consequence was a dispute, which resulted in the Newfoundlanders driving the Americans away, breaking their nets, and causing the loss of the major portion of

the fish that had been caught. We believe that the Americans attribute this action to jealousy rather than to any feeling of right as regards the inshore fisheries, inasmuch as they possessed better fishing-tackle than the fishermen of Newfoundland, and were consequently able to accomplish much greater results. That the matter should be made the subject of communications between the Governments of England and the United States was inevitable, and it is reported that the English foreign office has upheld the action of the Newfoundlanders, on the ground that colonial regulations forbid the course pursued by the fishermen of the United States. To this view the American Secretary of State objects, and in the dispatch to which we have alluded Mr. Evarts contends that the fishery rights under the treaty must be exercised in perfect freedom from the restraint of those provincial regulations which operate to the detriment of the American fishermen. The American argument is, in short, that the imperial authority must be paramount, and that the treaty engagements of the imperial government cannot be rendered nugatory by any provincial statutes. We must admit that there seems to be justice in this view of the case, and we hope that common sense will interpose to bring about a settlement of the dispute that will afford mutual satisfaction, but in expressing regret that this question should have arisen so near the time for the settlement of the Halifax award, we think that the American Secretary of State has adopted a rather unworthy method of putting pressure upon the British Government. With all respect to Mr. Evarts, we must urge that the Halifax award has nothing to do with the Newfoundland dispute; and if the American minister means to insinuate that the United States will not pay the award unless the American view is adopted in regard to the Newfoundland fisheries, he will find that his repute will suffer a greater loss than can be compensated for by any number of dollars saved. America now shares with England the immortal honor of having settled certain great questions by means of arbitration, and America has been fortunate enough to secure the award in the chief cases that were in dispute. With regard to the Alabama, England was ordered to pay, and did pay, a sum that much more than sufficed to meet all claims; while in the case of the island of San Juan, the German Emperor, relying upon geographical experts who are said to have consulted defective maps, likewise gave his decision in favor of America. But in the case of the fisheries, the commission which sat at Halifax pronounced a verdict which was adverse to American claims. This decision excited much angry feeling among politicians in the United States, and there were some who even advocated a refusal to pay the award. But the press and the people urged an honorable compliance with the terms of the decision, and the time is approaching when the settlement should be completed. We regret that Mr. Evarts should have imported this matter into the Newfoundland discussion, for it tends to the depreciation of that spirit of fair dealing which we hoped was supreme.

---

No. 196.

*Mr. Evarts to Mr. Welsh.*

No. 173.]

DEPARTMENT OF STATE,  
Washington, November 8, 1878.

SIR: The question of the payment of the amount awarded by the Halifax commission is still held under consideration, and may be till the last moment. You will receive timely instructions by telegraph for your guidance in any aspect of the matter which may be presented.

In the mean time it is not foreseen that the payment, if finally resolved on by this government, could under any circumstances be properly made, without being accompanied by a formal notice of the grounds upon which the payment is made, without any change of views on our part respecting the award and the positions this government has assumed in its correspondence with the British Government on the subject.

I therefore inclose a form of notice and protest, with which you will accompany the payment of the money should you be instructed to make such payment.

I am, &c.,

WM. M. EVARTS.

[Inclosure in No. 173.]

*Form of notice referred to.*

MY LORD: I have been instructed by the President of the United States to tender to Her Majesty's Government the sum of \$5,500,000 in gold coin, this being the sum named by the two concurring members of the Fisheries Commission (lately sitting at Halifax under authority imparted thereto by the treaty of Washington) to be paid by the Government of the United States to the Government of Her Britannic Majesty.

I am also instructed by the President to say that such payment is made upon the ground that the Government of the United States desires to place the maintenance of good faith in treaties and the security and value of arbitration between nations above all questions in its relations with Her Britannic Majesty's Government as with all other governments.

Under this motive the Government of the United States decides to separate the question of withholding payment from the considerations touching the obligation of this payment, which have been presented to Her Majesty's Government in correspondence, and which it reserves and insists upon.

I am, besides, instructed by the President to say that the Government of the United States deems it of the greatest importance to the common and friendly interests of the two governments in all future treatment of any questions relating to the North American fisheries, that Her Britannic Majesty's Government should be distinctly advised that the Government of the United States cannot accept the result of the Halifax commission as furnishing any just measure of the value of a participation by our citizens in the inshore fisheries of the British provinces; and it protests against the actual payment now made being considered by Her Majesty's Government as in any sense an acquiescence in such measure or as warranting any inference to that effect.

---

No. 197.

*Mr. Welsh to Mr. Evarts.*

No. 158.]

LEGATION OF THE UNITED STATES,  
*London, November 9, 1878. (Received November 20.)*

SIR: I received late in the evening of the 7th instant Lord Salisbury's reply to your dispatch No. 145, of the 27th of September, relating to the award of the Halifax commission. I sent you by cable yesterday, in cipher, such an abstract of this paper as the limited time allowed us enabled us to prepare, and I now inclose herewith two printed copies of the letters, for which we are indebted to the courtesy of the foreign office.

I have, &amp;c.,

JOHN WELSH.

---

[Inclosure in No. 158.]

*The Marquis of Salisbury to Mr. Welsh.*

FOREIGN OFFICE, November 7, 1878.

SIR: Her Majesty's Government have given their attentive consideration to the dispatch relating to the proceedings of the Halifax fisheries commission, addressed to you by Mr. Evarts, the Secretary of State of the United States, a copy of which you were good enough to place in my hands on the 10th ultimo; and I have now the honor to make the following observations in reply, which I shall feel greatly obliged by your communicating to Mr. Evarts with the least possible delay:

Her Majesty's Government fully appreciate the frankness with which Mr. Evarts has requested you to communicate to them the views of the Government of the United States on this question, and it is their desire to reciprocate in the fullest degree the wish expressed by Mr. Evarts to come to a complete and explicit understanding between the two governments as to the conformity of the award made by the commission to the terms of the treaty of Washington.

I must, in the first instance, recall to your recollection the circumstances which led to the organization of the Halifax commission.

The reciprocity treaty of the 5th June, 1854, between Great Britain and the United States, terminated in 1866, not from any desire on the part of Her Majesty's Government to put a period to its stipulations, but in consequence of the notice provided for in Article V of that treaty having been given by the United States Government. The mutual privileges in respect to free fishing and free trade in certain productions, which had under its operation been enjoyed by the inhabitants of the United States and of Her Majesty's North American possessions, thus came to an end. The effect of this determination of the reciprocity treaty was to revive the difficulties incidental to the fisheries question; difficulties so well known to both governments, that it is needless for me to enlarge upon them on the present occasion.

The danger, however, of collision between the fishermen of the two nations began to manifest itself soon after the termination of the reciprocity treaty, and Her Majesty's Government were anxious to come to a speedy and satisfactory solution of the question. With this view, Her Majesty's minister at Washington addressed, on the 26th January, 1871, a note to Mr. Fish, in which he stated that Her Majesty's Government deemed it of importance to the good relations which they were ever anxious should subsist and be strengthened between the United States and Great Britain that a friendly and complete understanding should be come to between the two governments as to the extent of the rights belonging to the citizens of the United States and Her Majesty's subjects, respectively, with reference to the fisheries on the coasts of Her Majesty's possessions in North America, and as to any other questions between them affecting the relations of the United States towards those possessions.

As the consideration of these matters would, however, involve investigations of a somewhat complicated nature, and as it was very desirable that they should be thoroughly examined, he was directed by Lord Granville to propose to the Government of the United States the appointment of a Joint High Commission, which should be composed of members to be named by each government, should hold its sessions at Washington, and should treat of and discuss the mode of settling the different questions arising out of the fisheries, as well as all those affecting the relations of the United States toward Her Majesty's possessions in North America.

To this note Mr. Fish replied on the 30th January of the same year, and while stating that the President shared with Her Majesty's Government the appreciation of the importance of a friendly and complete understanding between the two governments with reference to the subjects specially suggested for the consideration of the proposed Joint High Commission, he added that it would be desirable to include in the deliberations of that commission a consideration of the other questions then at issue between the two governments, particularly those known as the "Alabama" claims.

It was thus, owing to the importance attached by Her Majesty's Government to the fisheries question, and to their anxiety to come to a satisfactory settlement of the difficulties connected with it, that the negotiations were commenced which led to the organization of the Joint High Commission and ultimately to the treaty of Washington. A large portion of the deliberations of that commission was devoted to the difficult and long-standing question now under consideration, and after many proposals and counter-proposals, including offers on the part of the United States commissioners to grant commercial privileges far in excess of the mere remission of duty on fish and fish-oil, in order that they might acquire for United States fishermen unrestricted access to the inshore waters of British North America, Articles XVIII to XXV and XXXII and XXXIII were at length agreed to, and constitute the authority under which the Halifax commission acted.

Article XXII provided that—

"Inasmuch as it is asserted by the Government of Her Britannic Majesty that the privileges accorded to the citizens of the United States under Article XVIII of this treaty are of greater value than those accorded by Articles XIX and XXI of this treaty to the subjects of Her Britannic Majesty, and this assertion is not admitted by the Government of the United States, it is further agreed that commissioners shall be appointed to determine, having regard to the privileges accorded by the United States to the subjects of Her Britannic Majesty, as stated in Articles XIX and XXI of this treaty, the amount of any compensation which, in their opinion, ought to be paid by the Government of the United States to the Government of Her Britannic Majesty in return for the privileges accorded to the citizens of the United States under Article XVIII of this treaty; and that any sum of money which the said commissioners may so award shall be paid by the United States Government, in a gross sum, within twelve months after such award shall have been given."

The acts necessary to enable the several articles of the treaty relating to the fisheries to be carried into effect were passed by the Imperial Parliament of Great Britain on the 6th August, 1872; by the Parliament of Canada on the 14th June, 1872; by the legislature of Prince Edward Island (which did not at that time form part of the Dominion) on the 29th June, 1872; by the colony of Newfoundland on the 28th March, 1874; and by the United States Congress on the 25th February, 1873. So scrupulous, moreover, were Her Majesty's Government that United States citizens should enjoy

in the fullest degree the benefits secured to them under the treaty, that United States fishermen were admitted to the practical use of the inshore fishing grounds in advance of the formal legislative acts necessary for that purpose, and this concession was acknowledged by the Government of the United States as a "liberal and friendly act." Her Majesty's Government consider that it is important, in examining this subject, to bear in mind the distinction between that part of the treaty relating to fishery rights in British waters and the part relating to claims then pending on other heads. As regards the fishery rights, the citizens of the United States were, by the treaty, put into actual possession and enjoyment of them. That enjoyment has been had and cannot be recalled. Whether any and what sum was to be paid by the Government of the United States for the rights thus conceded was to be determined, and determined without appeal, by the tribunal constituted under the treaty.

United States fishermen having entered into the enjoyment of the privileges thus secured to them, it became necessary to take immediate steps for the constitution of the commission appointed to meet at Halifax in the manner prescribed by the treaty.

Various circumstances, however, with which your government are familiar, contributed to occasion delay in the complete organization of the commission, and it was not, therefore, until the 1st March, 1877, that an identic note was addressed to the Austro-Hungarian ambassador in London by the Earl of Derby and by the United States minister in London, requesting that his excellency would be pleased to name the third commissioner in the manner provided for by Article XXIII of the treaty. His excellency thereupon named M. Maurice Delfosse, the Belgian minister at Washington, and apprised the governments of Great Britain, the United States, and Belgium of the selection thus made.

Her Britannic Majesty's Government having previously appointed Sir Alexander T. Galt to be their commissioner, and Francis Clare Ford, esq., to be their agent, and the Government of the United States having similarly appointed the honorable Eusign H. Kellogg to be their commissioner, and the honorable Dwight Foster to be their agent, the constitution of the commission was complete in accordance with the terms of the treaty; and after previous communication between the three commissioners, the 15th June, 1877, was fixed for the first day of meeting.

The commission was accordingly organized by holding the first conference at the city of Halifax on that day, when all the commissioners were present and produced their respective powers. The honorable Dwight Foster and Mr. Ford were also present as agents of their respective governments.

M. Delfosse was then, upon the proposal of the United States commissioner, elected president of the commission, and a secretary having been appointed by him, the three commissioners proceeded, in accordance with the XXIIIrd article of the treaty, to make and sign a solemn declaration that they would impartially and carefully examine and decide the matters referred to them, to the best of their judgment and according to justice and equity.

The commission, then, after a meeting on the next day for the purpose of approving and signing the protocol of the previous day's proceedings, adjourned until the 28th day of July, 1877.

The commission having met, pursuant to adjournment, on the 28th day of July, the United States agent named the counsel retained on behalf of the United States, and at the next conference, held on the 30th day of July, the case of Her Majesty's Government was opened, and was concluded on the 18th day of September; that of the United States of America was opened on the 19th of the same month, and closed on the 24th day of October.

It is unnecessary that I should here recite each step in these lengthened proceedings; it will be sufficient to note that eighty-four witnesses in all were examined on behalf of Her Britannic Majesty's Government, and seventy-eight on the part of the United States of America. These witnesses were subjected to the most searching cross-examination by counsel of the greatest ability; and amongst those examined were to be found the names of many persons who, from their special knowledge of the subject, both practically and generally, were well qualified to express an opinion, and whose evidence was entitled to the greatest weight in the investigation of the matter.

Three hundred and nineteen affidavits were produced in support of the case of Her Britannic Majesty's Government, and two hundred and eighty in support of that of the United States; the deponents comprising those who were also in a position to give valuable and convincing testimony with regard to the fisheries, but who, from various causes, were unable to give oral evidence before the commission.

A voluminous mass of documentary and statistical matter was produced and submitted to the commission on either side, and about fourteen entire days were devoted to the arguments of counsel upon the whole case.

The commission held in all seventy-eight sittings, of about four hours' duration each, and the proceedings terminated on the 23rd day of November, 1877, by the announcement of the following award:

"The undersigned commissioners, appointed under Articles XXII and XXIII of the

treaty of Washington of the 8th May, 1871, to determine, having regard to the privileges accorded by the United States to the subjects of Her Britannic Majesty, as stated in Articles XIX and XXI of said treaty, the amount of any compensation which in their opinion ought to be paid by the Government of the United States to the Government of Her Britannic Majesty, in return for the privileges accorded to the citizens of the United States, under Article XVIII of the said treaty;

"Having carefully and impartially examined the matters referred to them according to justice and equity, in conformity with the solemn declaration made and subscribed by them on the fifteenth day of June, one thousand eight hundred and seventy-seven;

"Award the sum of five millions five hundred thousand dollars in gold, to be paid by the Government of the United States to the Government of Her Britannic Majesty, in accordance with the provisions of the said treaty.

"Signed at Halifax this twenty-third day of November, one thousand eight hundred and seventy-seven.

"MAURICE DELFOSSE.

"A. T. GALT."

"The United States commissioner is of opinion that the advantages accruing to Great Britain under the treaty of Washington are greater than the advantages conferred on the United States by said treaty, and he cannot, therefore, concur in the conclusions announced by his colleagues.

"And the American commissioner deems it his duty to state further that it is questionable whether it is competent for the board to make an award under the treaty, except with the unanimous consent of its members.

"E. H. KELLOGG,

"Commissioner."

It was thus assuredly not without the most thorough and laborious investigation of the question submitted to their appreciation, that a majority of the commissioners arrived at the decision above quoted; and it must be observed that the whole of the proceedings were held in strict conformity with the terms of the treaty of Washington, while the award was given by a majority of the commissioners in the very terms contained in Article XXII of the treaty.

In the dispatch which has been communicated to Her Majesty's Government, Mr. Evarts seeks to invalidate the award, which is the result of this exhaustive investigation, upon the ground that, in estimating the claims of Great Britain, the commissioners must be assumed to have taken into consideration circumstances which the treaty of Washington had not referred to them. There is nothing upon the face of the award which gives any countenance to the supposition that the commissioners traveled beyond the limits assigned to them by the treaty. Mr. Evarts's argument in favor of this contention is entirely deduced from what he considers to be the magnitude of the sum awarded. It is, he contends, so far in excess of what the United States Government believe to be the true solution of the problem submitted by the treaty, that some factor which the treaty has not recognized, must necessarily, in his opinion, have been imported into the calculation.

Mr. Evarts proceeds to give in detail the considerations by which, in his judgment, the result arrived at should be tested. He gives his reasons for believing that mackerel is the only fish to whose capture in the waters opened by Great Britain any value should be assigned, and that no account is to be taken of herring, halibut, cod, hake, pollock, or bait fishes. He computes the number of mackerel which the United States fishermen have caught within a three-mile line from the shore during the years of the treaty period which have expired, and infers from it the number which they are likely to catch within the same area during the interval that remains; and he concludes this branch of his argument by estimating, on various hypotheses, the profit which the United States fisherman is likely to have made from the mackerel which he has probably caught. On the other side, he estimates at a high value the profit which the British fishermen have derived from the opening of the markets of the United States; and concludes that the sum fixed by the award is so much larger than these considerations would have justified, that the United States Government can only explain its magnitude on the assumption that the commission has mistaken the question that was referred to it.

That Mr. Evarts' reasoning is powerful it is not necessary for me to say; nor, on the other hand, will he be surprised to hear that Her Majesty's Government still retain the belief that it is capable of refutation. But, in their opinion, they would not be justified in following him into the details of his argument. These very matters were examined at great length and with conscientious minuteness by the commission whose award is under discussion. The decision of the majority was given after full hearing of all the considerations that either side was able to advance, and that decision, within the limits of the matter submitted to them, is, under the treaty, without appeal. The argument of Mr. Evarts amounts to a review of their award upon the questions of fact and of pecuniary computation referred to them. He contends that the sum awarded is excessive, and that therefore the award must have been arrived at by some illegiti-

mance process. But to argue against the validity of an award, solely on the ground that the conclusion arrived at by the arbitrators on the very point referred to them is erroneous, is in effect the same thing as to dispute the judgment which they have formed upon the evidence.

Her Majesty's Government do not feel that it is their duty to put forward any opinion, adverse or favorable, to the decision which the majority of the commissioners have passed upon the affidavits and depositions which they had to consider. Her Majesty's Government could not do so without undertaking the same laborious investigation as that which was performed by the commission, a task for which the interval which has been left between October 10, the day on which Mr. Evarts's dispatch was delivered to me, and November 23, the day on which the payment awarded is to be made, would certainly not suffice.

But they are precluded from passing in review the judgment of the commission by a far more serious disqualification. They cannot be judges of appeal in this cause, because they have been litigants. As litigants they have expressed the view upon the facts which they felt bound in that capacity to maintain. Their computations have been totally different in method and result from those which the American counsel sustained, and which, in part, Mr. Evarts reiterates in his dispatch. The interpretation which they have given to the data laid before the tribunal has been in complete antagonism to his. They have been of opinion, and have insisted with all the force of argument that their agents could command, that \$15,000,000 was the legitimate compensation which, under the treaty, was their due. The majority of the commissioners has decided to reduce that claim nearly by two-thirds. Having formally engaged to submit the matter to this arbitration, they do not think that it is open to them to inquire how it was that the commission came to form an opinion upon their claims so widely different from their own. Still less can they admit that either side is entitled to treat this difference as ground for assuming that the arbitrators have imported into their judgment considerations which the treaty did not authorize them to entertain. Her Majesty's Government can only accept now, as on similar occasions they have accepted before, the decision of the tribunal to which they have solemnly and voluntarily submitted.

At the close of his dispatch Mr. Evarts refers to a consideration, which I ought not to pass over without observation, though he does not place it in the first rank among the objections which he raises against the award. He calls attention to the fact that the award of the commission was not unanimous, and that in the treaty of Washington no stipulation is, in this case, made that the decision of the majority is to be binding.

The opinion that, according to the treaty of Washington, the fishery commission was incapable of pronouncing any decision unless its members were unanimous, is one in which Her Majesty's Government are unable to concur.

It is not difficult to produce from text-books, even of very recent date, authority for the doctrine that in international arbitrations the majority of the arbitrators binds the minority unless the contrary is expressed.

"Halleck's International Law," edited by Sir Sherstone Baker, 1878, says (chap. xiv. sec. 6):

"The following rules, mostly derived from the civil law, have been applied to international arbitrations where not otherwise provided in the articles of reference. If there be an uneven number the decision of a majority is conclusive."

Bluntschli (sect. 493) says:

"La décision est prise à la majorité des voix."

Calvo (I, p. 791) lays down:

"A défaut d'obligations nettement tracées dans l'acte de compromis, les arbitres, pour s'acquitter de leur mandat, se guident d'après les règles tracées par le droit civil: ainsi ils doivent procéder conjointement, discuter et délibérer en commun, décider à la majorité."

I am not aware of any authorities who, in respect to international arbitrations, could be quoted in the contrary sense; and it would not be difficult to show, by a reference to cases in the American as well as in the English courts, that the same rule has always been judicially applied in the case of arbitrations of a public nature.

The language and stipulations of the treaty itself, so far as they are explicit upon the subject, point to a similar conclusion. Mr. Evarts, indeed, argues that the requirement of unanimity was intended, because, while it is not disclaimed in the case of the fishery rights, it is disclaimed in the case of three other arbitrating tribunals set up by the Treaty. It is evident that, at most, this omission would have left the matter in uncertainty. The suggestion that the framers of the treaty meant by their silence to prescribe a mode of proceeding which, before a tribunal thus constituted, is unexampled, can only be accepted on the hypothesis that they were deliberately preparing an insoluble controversy for those by whom the treaty was to be executed.

It appears to me that if the language employed in the case of the other tribunals set up by the treaty be examined carefully a more probable solution of the difficulty

may be found. The words used in each case are somewhat peculiar, and lend themselves to the supposition that what the draughtsman was thinking of when he employed them was not the question whether unanimity should or should not be required, but under what circumstances the tribunal should be held to be fully constituted for the purpose of giving a decision. It was obvious that in the course of a protracted and manifold inquiry, in which questions would constantly come up for decision, it was a matter of great practical importance to lay down whether for each decision the presence of the whole tribunal was required, or whether any condition might be prescribed under which, in spite of the absence of any one member, from illness or other cause, a valid decision might yet be given.

The difficulty of conducting, on the more rigid rule, a lengthened inquiry, involving frequent decisions, is a matter of ordinary experience. A common mode of escape from it is to fix some number, short of the entire complement, as the quorum or minimum number which must be present to give validity to a decision. The framers of the Washington treaty adopted an arrangement somewhat different in form, but similar in effect. They laid down that the decisions should be valid so long as they were adopted by a number not less than the majority of the whole body. That this is the meaning of the three passages in which the word majority appears may be gathered both from the expressions themselves and from the connection in which they are found. The following is a portion of the first paragraph of Article XIII on the commission of civil war claims:

"They shall be bound to receive and consider all written documents or statements which may be presented to them by or on behalf of the respective governments in support of, or in answer to, any claims; and to hear, if required, one person on each side, on behalf of each government, as counsel, or agent for such government, *on each and every separate claim*. A majority of the commissioners shall be sufficient for an award in each case."

Here it is evident that the multiplicity of the claims was the matter specially under consideration; and that "the sufficiency of a majority of the commission for an award" was stipulated with a view to the possible delay which the requirement of a full tribunal in each case might cause. That the majority should be sufficient for an award in the case of one member being absent was a rule which it was necessary to lay down; for where frequent decisions are not required, provisions of the kind are not customary. On the other hand, it is a universal practice that upon public arbitrations thus constituted, in case of difference of opinion, the majority shall prevail. It is, therefore, consistent with sound principles of interpretation, to assume that the phrase was meant to apply to the point on which a provision was necessary, and not to the point on which a provision was superfluous.

The same reasoning is applicable to the case of the Geneva tribunal, which had to decide on the alleged failure of neutral duty in Great Britain as to seventeen different ships, besides questions arising in respect to damages. The board of assessors which was provided in case the Geneva tribunal had not awarded a gross sum was a commission of claims which would have had to adjudicate upon a very large number of individual losses. In these cases, therefore, as in that which has been just adverted to, the Joint High Commission took a natural and a judicious course in providing that a decision should not be invalid by reason of the absence of a member of the tribunal, so long as a majority concurred in the award.

On the other hand, no such provision was necessary in the case of the Halifax commission, which, beyond questions of procedure, had but one issue before it, and but one decision to pronounce. In this case it was not necessary to lay down, as in the other cases, that "a majority of the commissioners should be sufficient for an award," or that "all questions should be decided by a majority of all the arbitrators."

This construction of the treaty appears to Her Majesty's Government more natural and more respectful to the Joint High Commission than the assumption that, having resolved to leave one particular case to a mode of arbitration which was entirely novel, and wholly unlikely to issue in a decision, they carefully abstained from the use of any words to indicate the unusual resolution they had formed.

It further appears to Her Majesty's Government that a distinct intimation of the true meaning of the Joint High Commission in respect to the fishery award is to be found in the composition of the tribunal which they adopted. This constitution is consistent with the intention that the majority should decide; it is not consistent with the supposed intention that the dissent of one commissioner should prevent any decision from being pronounced. The XXIIIrd article of the treaty makes the following provision for the constitution of the tribunal:

"The commissioners referred to in the preceding article shall be appointed in the following manner, that is to say:

"One commissioner shall be named by Her Britannic Majesty, one by the President of the United States, and a third by Her Britannic Majesty and the President of the United States conjointly; and in case the third commissioner shall not have been so named within a period of three months from the date when this article shall take



effect, then the third commissioner shall be named by the representative at London of His Majesty the Emperor of Austria and King of Hungary. In case of the death, absence, or incapacity of any commissioner, or in the event of any commissioner omitting or ceasing to act, the vacancy shall be filled in the manner hereinbefore provided for making the original appointment, the period of three months in case of such substitution being calculated from the date of the happening of the vacancy.

"The commissioners so named shall meet in the city of Halifax, in the Province of Nova Scotia, at the earliest convenient period after they have been respectively named, and shall, before proceeding to any business, make and subscribe a solemn declaration that they will impartially and carefully examine and decide the matters referred to them to the best of their judgment, and according to justice and equity; and such declaration shall be entered on the record of their proceedings.

"Each of the high contracting parties shall also name one person to attend the commission as its agent, to represent it generally in all matters connected with the commission."

This is the ordinary form of arbitration in which each side chooses an arbitrator, and an umpire is chosen by an indifferent party to decide between the two. The appointment of the umpire is of no utility, the precautions for securing his impartiality are unmeaning, if the adverse vote of one of the arbitrators may deprive his decision of all force and effect.

In ordinary phraseology the decision of a body of members means a decision come to by a majority of voices. In the common use and understanding of language, this is the interpretation which suggests itself to every reader, when it is stated that a number of men have expressed an opinion or have arrived at a determination. The requirement of unanimity is the exception, and therefore can only be conveyed by an explicit statement. There are, of course, well-known exceptions, as in the case of trial by jury. But in such cases the constitution of the deciding body is diametrically opposed to that adopted in the case of the fishery commission. Instead of a provision that two-thirds shall be named by the parties to the suit, the most elaborate precautions are taken that the whole body shall be unbiased. It is obvious that when unanimity is to be required, when any one member of the deciding body is to have the power of nullifying all the proceedings and preventing a decision, such an arrangement will only be endurable on the condition that each member shall be so chosen as to be as far as possible free from any inclination to exercise that power on one side rather than on the other. If a jury were constituted on the principle that the plaintiff should choose one-third of it and the defendant another third, very few persons would be found to expose themselves to the cost of an action at law. Had it been known five years ago that an award would be prevented by the dissent of one of the members of an arbitration constituted on the same principle, though I do not venture to conjecture what the course of the United States Government would have been, I feel confident that England would have declined to enter upon so unfruitful a litigation.

Her Majesty's Government may appeal to a cogent proof that in accepting this arbitration they did not contemplate that the award was liable to be prevented by the requirement of unanimity. Believing, in agreement with the majority of the commission, that they were heavy losers by the exchange of concessions contained in Articles XVIII, XIX, and XXI of the treaty, they nevertheless have for five years allowed those concessions to come into force, trusting to the compensation which the commission would give to them. That they have done so is a sufficient proof that they did not anticipate a construction of the treaty which would make the delivery of an award almost impossible. A valuable property has actually passed into the enjoyment of others, and cannot be recalled. The price to be paid for it was to be determined later by a tribunal agreed upon between the parties. Is it conceivable that they should have deliberately constituted a tribunal for this purpose, in which a decision could be wholly prevented by the dissent of a member nominated by the party to whom the property had passed?

Reciprocating cordially the courteous and friendly sentiments by which Mr. Evarts's language is inspired, Her Majesty's Government feel confident that the United States Government will not, upon reflection, see in the considerations which have been advanced any sufficient reason for treating as a nullity the decision to which the majority of the commission have arrived.

I have, &c.,

SALISBURY.

No. 198.

*Mr. Welsh to Mr. Evarts.*

No. 159.]

LEGATION OF THE UNITED STATES,  
*London, November 9. 1878. (Received November 20.)*

SIR: I received from Lord Salisbury, late in the evening of the 7th instant, his reply to your dispatch, No. 150, of the 28th of September last, in relation to the disturbance of American fishermen by certain inhabitants of Newfoundland. I sent you by cable yesterday, in cipher, such a summary of this reply as our limited time enabled us to prepare, and I now inclose two copies of the letter in print, with which we have been furnished through the courtesy of the foreign office.

I have, &amp;c.,

JOHN WELSH.

[Inclosure in No. 159.]

*The Marquis of Salisbury to Mr. Welsh.*

FOREIGN OFFICE, November 7, 1878.

SIR: Her Majesty's Government have had under their consideration the dispatch from Mr. Evarts, dated the 28th September, and communicated to me on the 12th ultimo, respecting the complaints made by the Government of the United States of the injuries sustained by American fishermen in Fortune Bay in January last.

This dispatch is in reply to my letter of the 23d August, in which I forwarded a copy of the report furnished by Captain Sullivan, of Her Majesty's ship "Sirius," on the occurrences in question. Mr. Evarts now remarks that the United States Government have not been put in possession of the depositions which form the basis of that report, and are unable, therefore, to say whether, upon their consideration, the view which the Government of the United States takes of these transactions upon the sworn statements of their own citizens would be at all modified.

Her Majesty's Government have not had the opportunity of considering the statements in question; but the depositions which accompanied Captain Sullivan's report, and which I now have the honor to forward, appeared to them, in the absence of other testimony, to be conclusive as regards the facts of the case.

Apart, however, from the facts, in respect to which there appears to be a material divergence between the evidence collected by the United States Government and that collected by the colonial authorities, Mr. Evarts takes exception to my letter of the 23d, on the ground of my statement that the United States fishermen concerned have been guilty of breaches of the law. From this he infers an opinion on my part that it is competent for a British authority to pass laws, in supersession of the treaty, binding American fishermen within the three-mile limit. In pointing out that the American fishermen had broken the law within the territorial limits of Her Majesty's dominions, I had no intention of inferentially laying down any principles of international law; and no advantage would, I think, be gained by doing so to a greater extent than the facts in question absolutely require.

I hardly believe, however, that Mr. Evarts would in discussion adhere to the broad doctrine which some portion of his language would appear to convey, that no British authority has a right to pass any kind of laws binding Americans who are fishing in British waters; for if that contention be just, the same disability applies *à fortiori* to any other power, and the waters must be delivered over to anarchy. On the other hand, Her Majesty's Government will readily admit—what is, indeed, self-evident—that British sovereignty, as regards those waters, is limited in its scope by the engagements of the treaty of Washington, which cannot be modified or affected by any municipal legislation. I cannot anticipate that with regard to these principles any difference will be found to exist between the views of the two governments.

If, however, it be admitted that the Newfoundland legislature have the right of binding Americans who fish within their waters by any laws which do not contravene existing treaties, it must further be conceded that the duty of determining the existence of any such contravention must be undertaken by the governments, and cannot be remitted to the discretion of each individual fisherman. For such a discretion, if exercised on one side, can hardly be refused on the other. If any American fisherman may violently break a law which he believes to be contrary to treaty, a Newfoundland fisherman may violently maintain it if he believes it to be in accordance with treaty.

As the points in issue are frequently subtle, and require considerable legal knowledge, nothing but confusion and disorder could result from such a mode of deciding the interpretation of the treaty.

Her Majesty's Government prefer the view that the law enacted by the legislature of the country, whatever it may be,—ought to be obeyed by natives and foreigners alike who are sojourning within the territorial limits of its jurisdiction; but that if a law has been inadvertently passed which is in any degree or respect at variance with rights conferred on a foreign power by treaty, the correction of the mistake so committed, at the earliest period after its existence shall have been ascertained and recognized, is a matter of international obligation.

It is not explicitly stated in Mr. Evarts's dispatch that he considers any recent acts of the colonial legislature to be inconsistent with the rights acquired by the United States under the treaty of Washington. But if that is the case, Her Majesty's Government will in a friendly spirit consider any representations he may think it right to make upon the subject, with the hope of coming to a satisfactory understanding.

I have, &c.,

SALISBURY.

[Inclosure 1 to inclosure in No. 159.]

*Captain Sullivan to Vice-Admiral Sir E. Inglefield.*

“SIRIUS,” ST. JOHN'S, NEWFOUNDLAND, *June 19, 1872.*

SIR: I have the honor to inform you that, in obedience to your orders, I left Halifax on Saturday, the 8th instant, and proceeded to Fortune Bay, for the purpose of inquiring into the circumstances connected with the quarrel between the English and American fishermen in Long Harbor in January last, arriving off Brunet Island on the evening of Monday, the 10th. I anchored there for the night, the weather being thick, with fogs gathering; and on the evening of the 11th weighed and proceeded to Long Harbor, at the entrance of which the same afternoon I learnt that the “Pert” was at the head of the harbor (about 9 miles off). I therefore proceeded through the narrows and anchored in 6 fathoms about 7 miles from the entrance, and observed the “Pert” anchored about 3 miles farther in, when I recalled her, and on the following day anchored in company with her 4 miles farther down off Tickle Beach, where we found the disturbance of January last had taken place.

2. On this beach are two huts, occupied by fishermen who witnessed the affair, and having taken their evidence, which, with other evidence subsequently taken, will be forwarded with my report hereafter, we proceeded to Metter's Cove, where a fisherman named Tharnell and another were examined on the same subject.

3. From information given by them I proceeded to St. Jacques the same afternoon, where, from Mr. Snellgrove, subcollector of customs, who was present at Tickle Beach shortly after the disturbance, and others who had witnessed the whole transaction, I obtained further important evidence, which, with my report, will be forwarded at the earliest opportunity when complete.

4. There have been at these places several complaints made to me on various subjects by some of the witnesses, disputes relative to land property and reports of barring herring, one being that a seine had been laid for this illegal purpose, and had been so for some days; in consequence of which I directed Captain Aitchison to proceed to the spot said to be barred and ascertain the truth of the information.

5. The “Pert” rejoined at Saint Jacques, and reported having found the seine as described, and taken possession of it. In other cases of complaint I was only able to take the evidence of those witnesses present at the time; but in the absence of others away fishing, I had to postpone the cases until my return from St. John's.

6. On Monday, the 17th, I directed the “Pert” to proceed to St. John's to coal, prior to her leaving for the east coast, and the same afternoon I left St. Jacques in this ship for St. John's, where I arrived yesterday at 7 p. m., the mail from England for Halifax arriving a few hours afterward, and leaving early this morning.

7. I am unable to forward more than this letter, as the report on the subject of the American outrage is not complete; but the evidence is most complete, the witnesses corroborating each other, and goes completely to prove the Americans were entirely in the wrong, and brought the quarrel on themselves, first by illegally fishing and then by threatening them with a revolver.

8. I found on arrival the “Contest” at anchor, and the “Pert” arrived this morning to await further orders.

I have, &c.,

GEO. L. SULLIVAN.

[Inclosure 2 to inclosure in No. 159.]

*Captain Sullivan to Rear-Admiral Sir E. Inglefield.*

"SIRIUS," ST. JOHN'S, June 21, 1878.

SIR: In obedience to your orders dated the 8th instant, in which I am directed to inquire into the differences which arose between British and United States fishermen in Fortune Bay in January last, I have the honor herewith to inclose the evidence obtained from several witnesses, together with my report on the subject; and, in further remarking thereon, desire to call your attention to those points in the evidence which have led me to the conclusions contained in that report.

It will be seen therein that there are four statutes which bear on the subject, and which have been infringed by the American fishermen, viz: Act. cap. 6, 1876, in amendment of consolidated statutes (1872); cap. 102, the proviso of the same as regards barring.

By the same act, 1876, sec. 4, and art. 18 of the treaty of Washington—

1. With respect to the first of these, the witness Silas Fudge says: "I witnessed the disturbance at Long Harbor on Sunday, the 6th January last; I am certain it was the 6th; I saw the seines in the water, two of them Americans, again. He (i. e., Jacobs, an American) had his in the boat; he had shot once and discharged his seine into Farrel's, who was working for him."

John Cluett stated that he was in Long Harbor on Sunday in January last. "They (the Americans) commenced hauling herring on Sunday about midday; the first American seine shot was that of Jacobs; there were two more American seines shot. He (Jacobs) had just hauled herring and shot them into Farrel's seine, who was working for him; we remonstrated about breaking the law and fishing Sundays."

All the evidence of the other witnesses is corroborative of the above; and the fact is even acknowledged by the Americans in their own evidence, as appears by the statements inclosed in the correspondence on this subject. It is therefore evident that they were illegally fishing, using seines, and hauling herring in January last contrary to the above-quoted statute, which prohibits the same between the 20th October and 25th April in any year.

2. That the American captains were setting and putting out seines and hauling and taking herring on Sunday, the 6th January, in direct violation of sec. 4, cap. 6. This is proved by the evidence of all the witnesses.

John Saunders says: "In January last—one Sunday, I don't know the date—the Americans laid out their seines, assisted by the English employed by them; the Newfoundlanders told them to take them up, as it was not legal their fishing on Sundays; there was no other reason for destroying nets but for fishing on Sundays. They went to McCauley, who had laid his seine out for barring herring; the Newfoundlanders said it should not be done on a Sabbath day."

3. That the Americans were barring herring, that is, confining them in the seines for a considerable time, instead of forthwith hauling them. By the evidence of Silas Fudge "He (Captain Jacobs) had shot once and discharged his seine into Tom Farrel's, who was working for him."

John Saunders says: "Jacobs upset his seine into Farrel's seine, who was employed by him. Farrel was barring for the Americans, and was not allowed by Jacobs to haul his seine."

Mark Bolt says: "The Americans do not bar fish; this was the first time I ever knew them to do so."

Richard Hendriken says: "Samuel Jacobs would persist in hauling, and hauled once and barred them in Farrel's net. Farrel was working for them, and had been barring herring for several days, perhaps about a fortnight, by the Americans' orders. I believe it is illegal barring herring, but we have no power to stop it; it is no good telling a magistrate; they take no notice of him."

4. That they were interfering with the rights of British fishermen in their peaceable use of that part of the coast occupied by them, &c. By all the evidence given, it occurred on Tickle Beach, Long Harbor, on which, as was seen by us, was a Newfoundland fishing settlement, the land being granted by government, as stated by Mark Bolt, who says: "I have been in the neighborhood fourteen or fifteen years. The ground I occupy, 150 feet, was granted me for life by government, and for which I now pay a fee; there are two families on the beach; there were three in the winter; our living is dependent on our fishing off this settlement."

The above are the main points in the evidence on which my report is founded.

In conclusion, I beg to inform you that I have forwarded a copy of the report to his excellency the governor of Newfoundland and the duplicate direct to their lordships, in order to insure their receiving it at the same time as the colonial office will.

I have, &c.,

GEO. L. SULLIVAN.

Digitized by Google

[Inclosure 3 to Inclosure 1 in No. 159.]

*Report on differences that arose between British and United States fishermen in January, 1878, by Captain Sulivan, of Her Majesty's ship "Sirius."*

Having carefully weighed the evidence given on oath before me by Newfoundland fishermen present at the time, together with that inclosed in the correspondence forwarded for my perusal, I am of opinion—

1. That the Americans were using seines for catching herring on the 6th January, 1878, in direct violation of title XXVII, chap. 102, sec. 1, of the consolidated statutes of Newfoundland, viz: "No person shall haul or take herring by or in a seine, or other such contrivance, on or near any part of the coast of this colony or of its dependencies, or in any of the bays, harbors, or other places therein, at any time between the 20th day of October and the 25th day of April."

2. That the American captains were setting and putting out seines and hauling and taking herring on Sunday, the 6th January, in direct violation of sec. 4, chap. 7, of the act passed 26th April, 1876, entitled, "An act to amend the law relating to the coast fisheries," viz: "No person shall, between the hours of twelve o'clock on Saturday night and twelve o'clock on Sunday night haul or take any herring, caplin, or squid, with net seines, bunts, or any such contrivance, or set or put out any such net, seine, bunt, or contrivance, for the purpose of such hauling or taking."

3. That they were barring fish in direct violation of the continuance of the same act, title XXVII, chap. 102, sec. 1, of the consolidated statutes of Newfoundland, "or at any time use a seine or other contrivance for the catching or taking of herrings, except by the way of shooting and forthwith hauling the same."

4. That, contrary to the terms of the treaty of Washington, in which it is expressly provided that they do not interfere with the rights of private property, or with British fishermen in the peaceable use of any part of the said coasts in their occupancy for the same purpose (see Article XVIII of the above-named treaty), they were fishing illegally, interfering with the rights of British fishermen and their peaceable use of that part of the coast then occupied by them, and of which they were actually in possession, their seines and boats, their huts, gardens, and land granted them by government being situated thereon (see Mark Bolt's evidence).

5. It is distinctly shown in the evidence that the cause of the difference commenced with the Americans by their persisting in shooting their seines on the Sunday, as the Englishmen who worked for them would not do it on that day, not only on account of its being illegal, but of their religious regard for the Sabbath, which is always strictly kept by them; and although it must be observed that the result of this illegal fishing would have been that the Americans would have secured the whole of the herring in the bay on that day to the exclusion of the rights and fair chances of all the others during the week, yet there is no evidence to prove that this, or anything else but the fact of its being Sunday, and the law and custom among themselves regarding it, prompted them to demand that the seines should be withdrawn.

6. It is shown by the evidence of all those witnesses present at the time that the Americans were remonstrated with, and told to take their seines up prior to any serious steps being taken, and it is also distinctly proved that no violence was resorted to until after the exasperating conduct of Captain Jacobs, the American master of a schooner, concerned in this illegal fishing, who threatened them with a revolver if they prevented him or interfered with his seine.

7. It does not appear that the native fishermen were aware of the illegality of hauling a seine in the month of January; it is therefore to be presumed that the Americans were also ignorant of that law, although their ignorance cannot exonerate them from the breach, nor does it exonerate John Hickey, an Englishman, who is charged with the same offense, and who it is my intention to summon before me to answer to that charge.

8. The statement of the Americans, that they were compelled to leave the harbor and leave off fishing, is entirely without foundation, which is proved by the evidence of those examined before me, among whom was Mr. Snellgrove, collector of customs, who was there a week after the occurrence, and communicated with them, and by the evidence of others to the effect that they remained for about a fortnight or more, "until the herrings slackened," and with respect to their loss of the haul of herring by the seine being emptied, the fish were not their lawful property, having been illegally caught.

In support of this view of the conduct of the Americans, I am not only borne out by the evidence of the Fortune Bay fishermen, who made their statements in a remarkably frank and straightforward manner, but by the self-convicting evidence of those very Americans themselves, whose depositions, given on oath, show them to have been illegally fishing, and who were liable thereby to the forfeiture of their seines, nets, &c., by chap. 102, sec. 12, of the consolidated statutes.

GEO. L. SULIVAN,  
Captain and Senior Officer.

[Inclosure 4 to inclosure 1 in No. 150.]

*Deposition of John Saunders.*

The examination of John Saunders, of Tickle Beach, Long Harbor, taken upon oath, and who saith:

In January last there were a great number, close on one hundred, schooners and boats fishing for herring, both American and Newfoundlanders. The Americans were employing the English to haul their seines for them. There were some English schooners who had seines also. One Sunday, I do not know the date, John Hickey laid out a seine and was told by the English or Newfoundlanders to take it up, as it was Sunday, which he did. The Americans laid out their seines, assisted by the English employed by them. The Newfoundlanders told them to take them up, as it was not legal, their fishing on that day, being Sunday. J. McDonald took his up. Jacobs upset his net into Farrel's seine, who was employed by him. Farrel was barring for the Americans, and was not allowed by Jacobs to haul his seine until the hard weather came. After Jacobs had upset his seine into Farrel's he took it up to shoot again, and threatened with the revolver any one who interfered. Then they told McCauley to take his up, but he didn't, so the people hauled it in and tore it up.

I don't know any man concerned in the destruction of the net that I could swear to but one, John Pitman, a servant to Samuel Pardy, who was at "Jack Fountain."

There was no other reason that I know of destroying nets but for fishing on Sunday, and because they would not take them up when they were told. The Americans never hauled a seine before that day; they always employed the English to use their seines and bought fish from the English. The only reason that the Americans laid their seines out on that day was because there were plenty of herrings, and no Englishman would haul them, being Sunday, excepting Hickey, who had been compelled to take his seine up.

Question. Where does Philip Farrel live?—Answer. In Bay-de-North, and so does Thomas Farrel.

Q. Was any obstruction or hinderance placed in the way of the Americans before or after that Sunday?—A. No.

Q. Did they remain in the harbor until the close of the season; until the herrings slackd away were any Americans compelled to leave the coast after this circumstance?—A. No; there was nothing to prevent their remaining, and they remained for some days, until the weather become soft, and there were no more herrings in the bay. Most of them left, but one American schooner remained about three weeks after that, when another lot of herrings came into the bay, and he filled up and went away the next fair wind. Jim Boy was the captain's name.

Q. Do you know any American of the name of Dago?—A. Yes; he has part in this seine. The Americans hauled their seine on the beach immediately in front of my property.

Q. Do you know the names of the schooners?—A. No.

Q. Do you know the names of the owners of the seine?—A. Yes; Captain Dago and McCauley.

Q. Do you know anything the Americans did by way of revenge?—A. The Americans, in revenge for the destruction of the net, afterwards drifted their vessels all about the bay or river with their anchors hanging, and so hooked and destroyed many nets, about fifty or sixty, I should think. The name of one of these captains was Smith—but I don't know the name of his vessel—and the other was Pool. We all believe that this was done in revenge. They were pretending to be at anchor, where there was about fifty fathoms of water, but were drifting all over the bay and hooking the nets; there was no weather to cause them to drift. Our small boats were anchored off the beach. We had never any difficulty with the Americans before this, but were always on good terms with them.

his  
JOHN + SAUNDERS.  
mark.

Sworn before me at Tickle Beach, Long Harbor, this 13th day of June, A. D. 1878.

GEO. L. SULIVAN,  
*Captain and Senior Officer on the Coast of Newfoundland.*

[Inclosure 5 to inclosure 1 in No. 150.]

*Deposition of Mark Bolt.*

The examination of Mark Bolt, of Tickle Beach, Long Harbor, taken upon oath, and who saith:

I am a native of Dorsetshire, England. I have been in this country twenty-one

years, and have been fishing all that time. I have lived in this neighborhood fourteen or fifteen years, and at Tickle Beach since last fall. The ground I occupy (150 feet) was granted me for life by government, and for which I have to pay a fee. There are two families on the beach; there were three in the winter. Our living is dependent on our fishing off this settlement. If these large American seines are allowed to be hauled, it forces me away from the place.

One Sunday in January last, John Hickey, Newfoundlander, came first, and hove his seine out. Five Newfoundlanders came and told him to take it up, and he did not; then others came and insisted upon it; then he took it up. If he had then refused to take it up it would have been torn up.

Then Jacobs, an American, came and laid his seine out and hauled about 100 barrels of herring in the big American seine, and capsized into Tom Farrel's seine, a Newfoundland fisherman employed by Jacobs and fishing for him.

Philip Farrel was also fishing for the Americans, being master of McCauley's seine. The Newfoundlanders then capsized Tom Farrel's seine of fish, who was only fishing for the Americans. After this Jim Macdonald, another American, threw out his seine. Then the people went and told Macdonald that he was not allowed to fish on Sundays, and he must take his seine up, and he took up his seine and carried it on board his vessel. Jacobs would not allow his seine to be touched, but drew a revolver. They then went to McCauley, an American, who had laid his seine out for barring herring; this American also employed a Newfoundlander to lay his seine out. The Newfoundlanders said it should not be done on a Sabbath day, and they resolved to tear up all the seines they could get hold of. They managed to seize McCauley's and tore it up. They would have torn up any they could have got at if laid out, whether English or American, because it was Sunday. The Americans do not bar first. This was the first time I ever knew them to do so; they usually buy the fish from the Newfoundlanders, and also barter flour and pork for them, and I have never known anything to complain of against them previous to this.

Question. Did the American schooners continue to fish after the destruction of McCauley's seine?—Answer. Yes; they (the Americans) continued to fish, and left about the usual time, the 10th of March. I do not know any reason for the conduct towards the Americans except that they were fishing on Sunday. I do not know what became of the nets that were torn up; it was left on the beach for some days and then taken away. I do not know who took it away; the Americans, perhaps, but I don't know.

The Americans were often set afterwards, but not on Sunday; the Americans did not leave off catching herring after this on other days. The English did not prevent the Americans hauling their seines, but the Americans usually employed the English to haul them, as their crews were not sufficient in number and are not acquainted with the work. The American crews are employed salting and freezing the fish, while the English employed by them with the American seines are catching them. The seine torn up was being worked by an Englishman for McCauley, the American, namely, Philip Farrel.

Jacobs's seine was in the water a night and a day. I was not aware that it was illegal to haul or catch herring by or in a seine at that time of the year, nor that barring is prohibited at all seasons, nor that the seine must be shot and forthwith hauled, but have heard some reports to that effect.

The nearest magistrate is at St. Jacques, about 25 or 30 miles from this, and there is no means of communicating with him excepting by a sailing-boat.

The seine that was destroyed belonged to men called Dago and McCauley, who, I believe, were each of them captains of schooners, but the names of the vessels I do not know.

MARK BOLT.

Sworn before me at Tickle Beach, Long Harbor, this 13th day of June, A. D. 1872.

GEO. L. SULLIVAN,

*Captain and Senior Officer on the Coast of Newfoundland.*

[Inclosure 6 to inclosure 1 in No. 150.]

*Deposition of Richard Hendriken.*

The examination of Richard Hendriken, of Hope Cove, Long Harbor, taken upon oath, and who saith:

I have been nine years in Long Harbor. I was here in January last, when the American seine was destroyed. It was destroyed on account of barring herring on Sunday. I was watching their proceedings from the point opposite; they laid their seine out and went to haul it in, because the English would not haul it in on Sunday, and the bay was full of fish. The fish would have remained. The Americans generally employ

some Englishmen to work with their own crew ; they don't generally lay out their own seines. Captain Dago and Samuel Jacobs would persist in hauling, and hauled once and barred them in Farrel's net. Farrel was working for him, and had been barring herrings for several days, perhaps about a fortnight, by the American's orders. I believe it is illegal to bar herrings ; it destroys the fish, but we have no power to stop it. It is no good telling a magistrate ; the Americans take no notice of them. The nearest magistrate to this place is at Harbor Briton, 25 or 30 miles off. The only thing to let people know what is right and what is wrong is to have a notice board in each harbor, and some heavy fine imposed on law-breakers. James Tamel is harbor-master. I don't know if he is a special constable or not, but Mr. Enburn told me he was to see the Yankees did not heave their ballast over, and that their measures were correct, but they would not listen to him. They hove their ballast overboard, and had tubs 22 inches in depth instead of 16 inches ; in these tubs they measured the fish they bought from the Newfoundlanders, and they would not alter them. The fish are sold to the Americans by the barrel ; for 100 barrels it is usual to pay for 90, which is considered fair, but a flour barrel cut down to 16 inches in depth is the proper measure ; they only cut them to 22 inches or more, and insist on having them filled. The vessels from St. John's and Halifax always take the proper size tubs, but the Americans constantly overreach us, and choose the most ignorant to deal with, or those who are not so sharp as themselves. They generally otherwise behave well, and we have never had any quarrel with them before, but have always been on good terms. If the natives did not see the laws carried out themselves there might as well be no laws, for there is often no one else to enforce it. It is the only way I know, and is pretty well understood by both foreigners and natives.

his  
 RICHARD + HENDRIKEN.  
 mark.

Sworn before me at Tickle Beach, Long Harbor, this 14th day of June, A. D. 1878.  
 GEO. L. SULLIVAN,  
*Captain and Senior Officer on the Coast of Newfoundland.*

[Inclosure 7 to inclosure 1 in No. 150.]

*Deposition of Ambrose Pope.*

The examination of Ambrose Pope, of Stone Cove, Long Harbor, taken upon oath, and who saith :

I was at Tickle Beach on a Sunday in January last, I don't know the date. I saw the Newfoundlanders hauling a seine and leave it on the beach ; it was torn in hauling it on shore. It was evening when I saw the seine hauled on the beach, and it was laying there when I left the beach.

I don't know if any was carried away. I don't know anything more about it. The Americans, we thought, had no right to haul their seines on Sunday.

his  
 AMBROSE + POPE.  
 mark.

Sworn before me at Anderson Cove this 15th day of June, A. D. 1878.  
 GEO. L. SULLIVAN,  
*Captain and Senior Officer on the Coast of Newfoundland.*

[Inclosure 8 to inclosure 1 in No. 150.]

*Deposition of James Tharnell.*

The examination of James Tharnell, of Anderson's Cove, Long Harbor, taken upon oath, and who saith :

I am a special constable for this neighborhood. I did not see anything of the alleged outrage last January, but I heard something about it. I believe some of the men named Pope were on the beach, but which I do not know.

Question. Have you formed any opinion as constable as to the cause of the dispute ?—Answer. Mr. Snellgrove, of the customs, and myself, from what we were informed of the circumstances, were of opinion that the Americans were acting illegally in shooting their seines, but notwithstanding that, nothing would have been said to them for that had it not been on the Sabbath day. The men forbid them hauling seines on the Sabbath day, and told them to take them up or they would take them up for them, and what annoyed them so much was that the Americans drew their revol-



vers; probably if it had not been for the threat of the revolvers the seines would only have been taken up and not torn. They asked him three times to take them up before they did so themselves.

The people were not aware that it was illegal to set the seines that time of the year, and were only prompted to their act by the fact that it was Sunday. We all consider it to be the greatest loss to us for the Americans to bring those large seines to catch herring. The seines will hold 2,000 or 3,000 barrels of herring, and, if the soft weather continues, they are obliged to keep them in the seines for, sometimes, two or three weeks, until the frost comes, and by this means they deprive the poor fisherman of the bay of their chance of catching any with their small nets, and then, when they have secured a sufficient quantity of their own, they refuse to buy of the natives.

If the Americans had been allowed to secure all the herrings in the bay for themselves, which they could have done that day, they would have filled all their vessels, and the neighboring fishermen would have lost all chance on the following week-days. The people believed that they (the Americans) were acting illegally in thus robbing them of their fish. If the natives had not defended themselves by enforcing the law, there was no one else to do it. I was sworn in as a special constable by Mr. Herbert, the magistrate of Harbor Briton, last October.

On the arrival of the Americans I showed my authority, signed by Mr. Herbert; and they laughed at it, and said it had no stamp, and they didn't, therefore, recognize it.

I told them the lawful size of a tub—sixteen gallons—and they said they required a brand on it. I have no means of branding tubs; there is no means to brand on the coast, and it is not the custom. I don't know if it is the custom at St. John's to brand them. I have cautioned the Americans about throwing ballast out inside of Hoodey's Island, where it is very shallow, but they have continually done so, notwithstanding, up to this. There are now several shallow places there and in the cove where the Americans have been in the habit of throwing out their ballast, and small vessels now, of twenty-eight to thirty tons, repeatedly ground on this ballast there thrown out by the Americans. I believe there was less thrown out last winter after I spoke to them about it, but I have no power, moral or otherwise, to enforce any rules, and they don't seem to care much about me.

his  
JAMES + THARNELL.  
mark.

Sworn before me at Tickle Beach, Long Harbor, this 14th day of June, A. D. 1875  
GEO. L. SULLIVAN,  
*Captain and Senior Officer on the Coast of Newfoundland.*

[Inclosure 9 to inclosure 1 in No. 159.]

*Deposition of George Snellgrove.*

The examination of George Snellgrove, of St. Jacques, Fortune Bay, taken upon oath, and who saith:

I am subcollector of customs for the district of Fortune Bay. I went to Long Harbor on the 8th January, two days after the dispute between the Americans and Newfoundland fishermen had taken place.

Captains Jacobs and Dago informed me that an American seine had been taken up by the Newfoundland fishermen on the Sunday previous and destroyed; that the seine belonged to Dago and McCauley, and that they had other seines out, but they had taken them up when they found that the other was destroyed. One of these captains said that the fishermen had threatened to take up the seine if they didn't themselves. Captain Jacobs showed me a revolver and said that he had threatened them with it. I remonstrated with him for doing so, when he replied that I couldn't suppose that he was really going to use it; that he only did it to frighten them; he had taken care there were no charges in it. I said to him: "Do you suppose that you would have got off that beach alive if you had used it?" and he said he never intended to use it.

Captain Warren told me that on the fishermen coming to haul in the seine that Captain Dago hailed them to say that they would take the seine in themselves if they waited; and that he (Warren) said to Dago: "It is too late now; you ought to have done it when they told you first; they are too excited now."

I then communicated with the natives of the place, who related the circumstances, and gave their reasons that the Americans were fishing illegally, and would have secured the whole of the fish, which they considered part of their property, and that they would have been distressed for the winter. They told me that they had at first told them to take up their seines, and they refused; that Captain Jacobs had threatened them with a revolver, but notwithstanding this, they had taken up one and destroyed it.

I saw Captain Jacobs several times afterwards, and in the course of conversation with him I said, "If I had been there you would not have been allowed to shoot your seine." "What!" he said, "could you prevent me?" I said, "Yes; I should have seen the law carried out and taken your seine and boat, which you forfeited for breaking the law"; and I told him "I would take the fine as well of \$200"; at which he said, "Do you think I care about paying the fine? I could pay the fine"; by which I understood him to mean that the fine was not worth considering, as the quantity of fish would have more than paid for it.

Question. Was there any one in Long Harbor on the Sunday referred to who could have enforced the law and protected the interests of the fishermen?—A. No.

Q. Is it not illegal shooting seines at all at that time of the year?—A. There is an act to that effect, but it has never been carried out in Fortune Bay, nor are the natives aware of its illegality at that time of the year, nor would they have molested the Americans had it not been Sunday, and which they knew it to be not only the law but the infallible custom to desist from fishing on that day.

Q. Has there ever been to your knowledge before quarrelsome disputes or ill-feeling between the Americans and native fishermen?—A. No, never; always on the best terms.

Q. How long did you remain in Long Harbor?—A. I remained till the 12th January.

Q. Did you observe during your stay in Long Harbor whether the three American captains remained and continued to fish or not?—A. I did, and I know that they continued to fish; they were not molested as far as I know.

Q. Was there anything to cause them to leave the harbor or to cease fishing?—A. No, and they had not left it when I left; there were no further disputes to my knowledge afterwards.

GEO. THOS. SNELGROVE,  
*Subcollector of Her Majesty's Customs.*

Sworn before me at St. Jacques, Fortune Bay, the 17th day of June, A. D. 1878.

GEO. L. SULIVAN,  
*Captain and Senior Officer on the Coast of Newfoundland.*

[Inclosure 10 to inclosure 1 in No. 159.]

*Deposition of Silas Fudge.*

The examination of Silas Fudge, of Bellaram, Fortune Bay, taken upon oath, and who saith:

I am mate of my father's schooner. I witnessed the disturbance at Long Harbor on Sunday, the 6th January last. I am certain that it was on the 6th January it happened. I saw the seines in the water; two of them American and one English. We told them to take them up. John Hickey, the Englishman, took his up; McCauley, the American, who owned the other, refused to take his up. There was another seine, which I did not see, in the water, belonging to Captain Jacobs. He had his in the boat at the time. He had shot once and discharged his seine into Thomas Farrel's, who was working for him, and was going to shoot his seine out again. I saw it in the boat ready for shooting when the crowd came over. They first spoke to McDonald and asked him if he would take his seine up, and he said, "Yes, if I am forced"; and they then went to Hickey and told him to take his up, and he took it up; then they went to McCauley and asked him to take his up, and he said he would not. They then told him that if he didn't they would take it up for him. They then went to Jacobs and told him they would let go the herring out of the seine of Tom Farrel, who was an Englishman. Jacobs then drew a revolver and threatened to shoot any man who touched his property. The crowd were very excited. I saw them haul McCauley's seine in and tear it up. That was the end of the row that day. Farrel had, during the previous week, secured herring in the American seine, and then had placed his own round them, and taken up the American's. This was done before Sunday. It was in this seine of Farrel's that Jacobs emptied his own seine.

Question. You knew that the American fish were in the Englishman's seine; why was Farrel's seine allowed to remain?—Answer. Because he had not shot it on the Sunday, but on the week-day.

Q. Are you aware that it was illegal to use seines to catch herrings that time of the year?—A. No; I don't know.

Q. Did you believe it to be lawful to use seines for herring that time of the year?—A. Yes, I thought so, as far as I could understand. I suppose the Americans thought, with reference to the destruction of the seine, that we did it in envy of them, but it wasn't; but it was from regard to the Sabbath, on which day we never fish.

Q. How far from the beach were the American seines shot?—A. Close to the beach; the hauling-lines were on the beach.

The Americans remained in the bay after the occurrence for several days; they were never molested or interfered with afterwards; they continued to fish until they left the harbor; they were not compelled to leave the harbor, but I believe they were unsuccessful on account of the bad weather and for want of frost.

SILAS FUDGE.

Sworn before me at St. Jacques, Fortune Bay, the 17th day of June, A. D. 1878.

GEO. L. SULLIVAN,

*Captain and Senior Officer on the Coast of Newfoundland.*

[Inclosure 11 to inclosure 1 in No. 159.]

*Deposition of John Cluett.*

The examination of John Cluett, of Belloram, Fortune Bay, taken upon oath, and who saith:

I was in Long Harbor one Sunday in January last.

Question. Did you see anything of the quarrel between the Americans and other fishermen?—Answer. I did.

Q. Tell me what you know of it.—A. They commenced hauling herrings on Sunday, about midday. The first American seine shot was Captain Jacobs's; there were two more American seines shot. There was an Englishman working for the Americans who had a seine moored there for several days, but it was not shot or attempted to be hauled on the Sunday. The first seine we came to was Captain McDonald's; they asked him if he was going to take his seine up. He said, "If we are forced to take it up we will," and we told him if he didn't take it up we would take it up for him. The next we came to was a man belonging to Fortune Bay, called John Hickey, an Englishman, and we told him to take up the seine, and he said he would take it up, and he did. The next we came to was Peter McCauley, and we told him the same as the others, and he refused to take it up. Then we went on to Captain Jacobs, and when we got to him he was in his skiff, a little off the shore; he had just hauled herring and shot them into Farrel's seine, who was working for him; they remonstrated about breaking the law and fishing on Sunday; there was an altercation between us; he said he would defend his seine if they touched it in a threatening way. I don't know what he said; there was a great crowd, and he was in an awful rage, and I heard that he drew a revolver, but I didn't see it; he then took his seine on board; then all the seines were taken up but Farrel's and McCauley's. Farrel's seine was not touched, because it was not laid out that day, and they therefore let it alone, although Jacobs's fish were in it; but McCauley's seine was taken up and destroyed, and that is all I know.

Q. Did the American captain remain in the harbor after?—A. Yes; I think about a fortnight, but perhaps more. They continued to fish and haul herring on week-days but not on Sunday again.

Q. Were they ever molested or interfered with in any way subsequently or not?—A. Not to my knowledge; they remained there as long as they chose, and there was never any more dispute. I don't know that it is illegal to haul seines that time of the year. I have heard of the law, but I have never seen it carried out; it had nothing to do with this dispute. The only cause of it was on account of its being Sabbath. I never saw herrings hauled on a Sunday before, either by American or Englishman.

The Americans, by hauling herring that day when the Englishmen could not, were robbing them of their lawful and just chance of securing their share in them, and, further, had they secured all they had barred, they could have, I believe, filled every vessel of theirs in the bay. They would have probably frightened the rest away, and it would have been useless for the English to stay, for the little left for them to take they could not have sold.

The Americans would have a better chance than the English any day on account of the size of their nets, but the English would have had their fair chance the next day, and they thought they were justified, in the absence of any proper authority or power to enforce the law, to defend their rights themselves. There is no power or authority to enforce the law on all parts of the coast, and none nearer to Long Harbor than about 30 or 40 miles.

If there was not a good feeling and mutual understanding between all fishermen, whether foreigners or Englishmen, there would be no law carried out or upheld at all, but there was always prior to this a very good feeling and a mutual understanding between the Americans and ourselves, and I don't know anything to prevent the same in future. After the destruction of McCauley's seine some of the American schooners, one of which was Peter Smith's, drifted about the harbor among the fishermen's nets when blowing hard, with their anchors hanging to their bows, and destroyed several

nets. I don't know if this was done out of revenge or not. I don't think it was done purposely.

JOHN CLUETT.

Sworn before me, at St. Jacques, Fortune Bay, this 17th day of June, A. D. 1878.

GEO. L. SULLIVAN,  
*Captain and Senior Officer on the Coast of Newfoundland.*

No. 199.

*Mr. Evarts to Mr. Welsh.*

No. 179.]

DEPARTMENT OF STATE,  
*Washington, November 12, 1878.*

SIR: Your cable dispatches of the 10th instant, containing the full text of Lord Salisbury's two notes of the 7th instant, in reference respectively to the matter of the award of the Halifax Commission, and to the question of the rights of American fishermen in British North American waters under the treaty of Washington, were duly received, and both subjects are now under consideration. The final determination of the government in regard to the payment of the award will be promptly communicated to you by telegraph—quite probably before this dispatch reaches you.

I am, &c.

WM. M. EVARTS.

No. 200.

*Mr. Welsh to Mr. Evarts.*

No. 171.]

LEGATION OF THE UNITED STATES,  
*London, November 22, 1878. (Received December 4.)*

SIR: Referring to my dispatch No. 169, of the 19th instant, I have the honor to acquaint you that, agreeably to the appointment I had made with Lord Salisbury, as indicated in that dispatch, I had an interview with his lordship yesterday, at one o'clock in the afternoon, at the foreign office. I handed to him my check on Messrs. Morton, Rose & Co. for five million five hundred thousand dollars in gold coin, in payment of the amount awarded by the Halifax Commission, and at the same time I delivered to him a notice, signed by me, the form of which was inclosed in your instruction No. 163. I found that form to be identical with the copy you had sent to me in cipher, the translation of which I forwarded to you in my No. 169. I now transmit a "press" copy of the notice itself which was delivered to his lordship.

Upon receiving the check and the notice, Lord Salisbury handed to me a note acknowledging the receipt of both, a copy of which I herewith inclose.

Immediately after this transaction I prepared and sent to you a full account of it by cable.

Several hours afterwards I received a telegram conveying to me your wishes in that respect, which I had thus already anticipated.

I inclose a slip from the Daily News in relation to this payment, which,

I am happy to say, is fairer in its tone than many of the extracts I have had occasion to forward.

I have, &c.,

JOHN WELSH.

[Inclosure 1 in No. 171.]

*Mr. Welsh to Lord Salisbury.*

LEGATION OF THE UNITED STATES,

*London, November 21, 1878.*

MY LORD: I have been instructed by the President of the United States to tender to Her Majesty's Government the sum of five millions five hundred thousand dollars in gold coin, this being the sum named by the two concurring members of the Fisheries Commission (lately sitting at Halifax, under authority imparted thereto by the Treaty of Washington) to be paid by the Government of the United States to the Government of Her Britannic Majesty.

I am also instructed by the President to say that such payment is made upon the ground that the Government of the United States desires to place the maintenance of good faith in treaties and the security and value of arbitration between nations above all question in its relations with Her Britannic Majesty's Government as with all other governments.

Under this motive the Government of the United States decides to separate the question of withholding payment from the considerations touching the obligation of this payment which have been presented to Her Majesty's Government in correspondence and which it reserves and insists upon.

I am, besides, instructed by the President to say that the Government of the United States deems it of the greatest importance to the common and friendly interests of the two governments in all future treatment of any questions relating to the North American fisheries that Her Britannic Majesty's Government should be distinctly advised that the Government of the United States cannot accept the result of the Halifax Commission as furnishing any just measure of the value of a participation by our citizens in the inshore fisheries of the British provinces, and it protests against the actual payment now made being considered by Her Majesty's Government as in any sense an acquiescence in such measure or as warranting any inference to that effect.

I have, &c.,

JOHN WELSH.

[Inclosure 2 in No. 171.]

*Lord Salisbury to Mr. Welsh.*

FOREIGN OFFICE, *November 21, 1878.*

SIR: I have the honor to acknowledge the receipt of your letter of to-day and of the draft for five millions five hundred thousand dollars (\$5,500,000) in gold, which you have delivered to me in payment of the award pronounced in favor of the Government of Her Britannic Majesty by the Halifax Fishery Commission on the 23d of November, 1877, in accordance with the provisions of the twenty-second article of the treaty between Great Britain and the United States of America, signed at Washington on the 8th of May, 1871.

I have, &c.,

SALISBURY.

No. 201.

*Mr. Jackson to Mr. Evarts.*

No. 433.] UNITED STATES CONSULATE AT HALIFAX, N. S.,  
*December 5, 1877. (Received December 15.)*

SIR: The Halifax Fishery Commission, as heretofore announced, have concluded their labors, and a majority of the commissioners—the United

States commissioner dissenting—have decided that the sum of \$5,500,000 in gold be paid by the Government of the United States to the government of Her Britannic Majesty in accordance with the provisions of the Treaty of Washington.

I assume that the distinguished gentlemen who composed the commission each and all, acted under a high sense of official responsibility and public duty.

I shall therefore respectfully call your attention to such questions only as naturally arise from a consideration of the action taken by the different members of the commission, and of the unsettled position in which such action has left the whole subject of the fisheries, and the various and important matters in connection with them, which are and have so long been in controversy between the two countries.

1st. No power having been delegated by the Treaty of Washington to a majority of the commissioners to make an award, no action of such majority can bind either the Government of the United States or Great Britain.

2d. Both governments having entered into the arbitration with a full knowledge and understanding that the Treaty did not—as in the case of the Geneva arbitration—delegate to a majority of the commissioners the power to make an award, neither party can justly complain of the other for treating such an award as invalid.

Assuming its invalidity the question arises, Shall the Government of the United States waive its legal rights, and as a matter of grace and favor to the other contracting party pay to it the sum of \$5,500,000 without any equivalent therefor?

In my “confidential” dispatch of the 18th of June last, before any evidence was adduced before the commission, I stated that “the case” presented by Canada “makes no discrimination between the inshore and deep-sea fisheries, which discrimination is a vital element in the controversy between the two countries.”

Canada practically claimed compensation for both, on the ground that the use of the one was absolutely necessary for the successful prosecution of the other.

The statistics submitted to the commission, and the investigation there made by the able agents and counsel of the United States and Great Britain, in relation to the inshore and deep-sea fisheries, only tended to confirm statements and representations made in official reports submitted by me to the Department of State prior to the adoption of the Treaty of Washington.

The inshore fisheries pursued by American fishermen in British waters consist, as is well known, chiefly of the mackerel fishery. The whole catch of mackerel by them for the last five years in such waters does not amount, as shown by competent evidence, to one-third of the proportionate sum awarded for those years; and if compensation, for which there is no authority either in law or equity, be included also for the deep-sea fisheries for the same period, the amount declared to be awarded is unwarranted and excessive.

I am aware of no recognized rule of evidence, or of no mode of computation, by which the decision could have been arrived at *without including compensation* for the deep-sea as well as the inshore fisheries.

Thus, while the treaty of 1818 limits the exclusive jurisdiction of Great Britain to three miles from the coasts and shores of the British North American provinces, the decision of a majority of the commissioners practically attempts to enforce the renounced and exploded doctrine of the dominion of Great Britain over the adjacent seas.

I have no design in these remarks to undervalue an important industry pursued by American fishermen off the coasts of the British North American provinces, and especially on the Grand Banks, which, for a century, has afforded an illustration of the enterprise of our people, and of the skill, courage, and intrepidity of our hardy seamen.

I aim only to show—what must be obvious to all who have examined the subject—that this important industry consists mainly of the ocean or deep-sea fisheries, which are the common property of all nations, and are pursued by American fishermen not by the sufferance, or through the favor, of any foreign power, but as a lawful right derived from the bounty of the Creator.

The decision of a majority of the arbitrators cannot, I think, be regarded as settling, in any manner, controverted questions, or as determining the relative value of the reciprocal concessions made by the two governments under the treaty.

The weight of testimony adduced, it appears to me, establishes the proposition that “free fish and free fisheries” are a fair exchange of equivalents.

That such was the opinion of the people of the province of Nova Scotia—a province whose fisheries constitute half of the fisheries of Canada—is shown by the fact that after the adoption of the reciprocity treaty in 1867, a committee of the Nova Scotia legislature earnestly recommended “that instead of levying a pecuniary license fee, steps be taken to arrange, if practicable, with the American Government for the admission of the products of colonial fisheries into the American market free, or under a more reduced tariff than that now imposed.”

Other questions of great importance heretofore in dispute, and sources of irritation between the two countries in relation to the fisheries, still remain either in abeyance or unadjusted. Among these are: .

1st. In relation to bait and supplies.

2d. Transhipment of cargoes.

3d. Headlands.

In regard to bait and supplies the Treaty of Washington expressly confers no new rights upon citizens of the United States.

Independently of the Treaty they possess the right by the comity and usage of all commercial nations to purchase in colonial ports all necessary supplies—whether bait, ice, or provisions—for the prosecution of a lawful fishing voyage.

Any legislation which would deprive them of that right would be exceptional and hostile in its character, and not only in violation of the comity and usage of nations but against the avowed policy of the British Empire, as emphatically declared by Earl Kimberly.

The deep-sea fisheries are not, and never have been, the subject of treaty regulations or restrictions. Such fisheries being open to all the world, the purchase of supplies for their prosecution—which benefits the Canadian trader who sells them, as much as the American fisherman who buys them—is as legitimate a branch of trade and commerce as any other existing between the two countries.

The concessions of the Treaty have placed the prosecution of the inshore fisheries upon the same footing.

It follows, then, that while in a certain sense the right to carry on such trade and commerce is held on sufferance and may be prohibited, yet any legislation tending to such prohibition, being a departure from the universal practice of friendly nations, would justify retaliatory measures on the part of the government whose citizens were subjected to such oppressive restrictions.

As to transshipment of cargoes, if the right is not incidental to the rights expressly conferred by the Treaty, its prohibition by Canada, as a commercial regulation beneficial to all parties, would likewise be an arbitrary and unfriendly exercise of power naturally resulting in measures by the United States of a similar character injuriously affecting Canadian trade.

*Headlands.*—Although this question is now, and has been for a quarter of a century, held in abeyance—and perhaps hereafter may continue to be so held—yet it has never been finally settled.

Experience has shown that as a practical question it does not possess the importance originally attached to it; but the contention of the counsel for the British Government before the fishery commission—so entirely at variance with the views uniformly and decidedly held by the Government of the United States—still leaves this question subject to future controversy.

To permit the so-called award to go unchallenged, would, in my judgment, by a tacit acquiescence in extravagant and unreasonable claims for compensation, be placing the United States in a false position; and instead of hastening would retard the permanent adjustment on a satisfactory basis of outstanding questions, the continued agitation of which is calculated to imperil the interests of two great countries.

I have thus sought fairly and dispassionately to present the facts in the case to your mature and impartial consideration.

I have no desire to do injustice to Canada, or to relieve the United States from the performance of any duties, or the fulfilment of any obligations arising under the Treaty of Washington.

On the contrary it is my firm conviction that the best interests and lasting peace and friendship of both countries will be more effectually promoted by a calm “review of the situation” and by both availing themselves of the opportunity now afforded for a full and amicable settlement, either by treaty or otherwise, upon terms mutually advantageous, of all subjects of difference between them in connection with the fisheries, than by the unconditional payment by the United States Government of an invalid award.

I have, &c.,

MORTIMER H. JACKSON.

---

No. 202.

*Sir Edward Thornton to Mr. Ecarts.*

WASHINGTON, December 1, 1877. (Received December 3.)

SIR: In compliance with instructions received by this legation from the Earl of Derby, I have the honor to inform you that the Government of India had determined on holding in that empire, in the autumn of 1879, a series of trials to test the best machine or process which may be brought forward for the preparation of the rheea, ramie, or China grass, and they are desirous that the conditions under which the experiments will be conducted should be circulated as widely as possible in the United States through the Department of Agriculture.

I have, therefore, the honor to transmit to you herewith two copies of the notification issued in India, and to express the hope of Her Majesty's Government that you will take such measures as you may



deem best fitted to assure the contents of the inclosed documents coming to the knowledge of the citizens of this country.

I have, &c.,

EDWD. THORNTON.

[Inclosure.]

*Notification issued by the Government of India.—Department of revenue, agriculture, and commerce.—Dated Simla, the 31st August, 1877, No. 45.*

#### FIBERS AND SILK.

1. In 1870 the Government of India offered a prize of £5,000 to the inventor of the best machine or process for the preparation of the fiber of the *Böhmia nivea* (popularly known under the names of rhea, ramie, and China grass), and the terms on which machines would be admitted to competition were widely notified in India, in Europe, and in America. Many persons declared their intention to compete, but ultimately only one machine was actually brought to the place of trial. The machine, having been carefully tested at Saháranpur in the autumn of 1872, was found imperfect in some important respects, and the inventor was adjudged not entitled to the full reward. He was, however, presented with £1,500 in consideration of the partial measure of success he had attained after great perseverance.

2. This machine has not since been adapted by the inventor to practical use, and no improved process of preparing the fiber of the rhea has been yet discovered by other persons. Meanwhile the demand for rhea continues, and the conditions which induced the Government of India in 1870 to offer a prize remain substantially unchanged.

3. His honor the president in council, therefore, considers that it is desirable to renew the offer, and it is accordingly hereby notified that a reward of 50,000 rupees will be paid to the inventor of the best machine or process which will separate the bark and fiber from the stem, and the fiber from the bark, of the *Böhmia nivea*.

4. A smaller reward, not exceeding 10,000 rupees, will be given to the inventor of the next best machine or process, provided it is adjudged to possess merit, and to be capable without difficulty of adaptation to practical use.

5. What is required is a machine or process capable of producing, by animal, water, or steam power, a ton of dressed fiber of a quality which shall average in value not less than £45 per ton in the English market, at a total cost, including all processes of preparation and all needful allowance for wear and tear, of not more than £15 per ton, laid down at any port of shipment in India, and £30 in England, after payment of all the charges usual in trade before goods reach the hands of the manufacturer. The processes of preparation are to be understood to include all the operations required subsequent to the cutting of the stems from the plants in the field, until the fiber is in a condition fit to be packed for conveyance to the market.

6. The machinery employed must be simple, strong, durable, and inexpensive, and should be suited for erection in the plantations where the rhea is grown. It must be adapted for treatment of the fresh stems, as cut from the plant. The treatment of dried stems offers certain difficulties, and the fiber prepared from them must, moreover, always be much more costly than the fiber produced from green stems. Except during the hot, dry weather preceding the rains in Upper India (where rhea grows best), it is very difficult so to dry the stems that no fermentation or mildew shall occur. But during this season the stems are comparatively short and the crop poor and stunted, unless it is artificially irrigated, and such irrigation greatly increases the cost of cultivation. In the rainy season the plant is in fine condition, but at this season it is almost impossible to dry the stems in quantity without injuring the fiber, unless recourse is had to artificial means of desiccation, which greatly increases the cost of the material. It is, therefore, obvious that the attention of inventors should be given to the discovery of a process for the treatment of the green stems.

7. The trials will be held at Saháranpur, in the northwestern provinces, in the months of August and September, 1879. Machines entered for competition should be placed *in situ*, and be ready for work not later than the 15th August, the competition commencing on the next day. The judges will be appointed by the government, and they will watch the whole of the trials. But the machines shall be worked and adjusted by the competitors themselves, and no person shall touch a machine without the consent of the inventor.

8. The government of India will provide proper shelter and accommodation at Saháranpur for all the competing machines, as well as the motive power required. It will also pay for the transport from the sea-coast to Saháranpur of all the machines up to the limit of one ton each, the freight on any excess weight to be defrayed by the owners. The present rate of freight by rail from Calcutta to Saháranpur is Rs. 3. 10

per maund, or Rs. 98. 11 per ton, and from Bombay to Saháranpur, Rs. 4. 1 per maund, or Rs. 110. 9 per ton. A free second-class ticket to Saháranpur will also be given to any person in charge of a machine.

9. The owner or owners of the successful machine or machines shall not be entitled to receive the reward offered, except on the following conditions, viz:

(1.) That a complete technical description of the machine, illustrated by plans drawn to scale, shall be prepared and published (government paying the cost) for the information of the public.

(2.) That after the expiry of three years from the date on which the award is made the public shall have the right of manufacturing similar machines, on payment to the owner of a royalty of 10 per cent. on the cost of each machine so manufactured.

10. All persons desiring to compete under the terms and on the conditions specified above are requested to make known their intention not later than the 31st December, 1878, giving the following particulars:

(1.) Name in full and residence.

(2.) Profession or occupation.

(3.) Number of different kinds of machines entered for competition.

(4.) Brief description of each machine.

Intending competitors will, at the same time, declare themselves bound (under penalty of disqualification of the competing machines and forfeiture of all claim to the government reward) to conform to all rules which may be prescribed by government or by the judges appointed by government in connection with the conduct of the trials.

All notices of intention to compete and applications for information should be addressed to the secretary to the Government of India, department of revenue, agriculture, and commerce, Calcutta.

11. A limited quantity of rheea will be grown in the botanic gardens, Calcutta, and persons desirous of testing their machines before entering them for public competition may obtain green stems in small quantities from the superintendent of the gardens through this department.

\* G. H. M. BATTEN,  
*Officiating Secretary to the Government of India.*

No. 203.

*Sir Edward Thornton to Mr. Evarts.*

WASHINGTON, January 19, 1878. (Received January 21.)

SIR: On the 7th ultimo, I called at the Department of State, for the purpose of again submitting to you the expediency of taking some steps with a view to laying down the boundary between Alaska and British Columbia. Not finding you on that day, I had a conversation upon the subject with Mr. Seward, and urged that at least the boundary point on each bank of the Stickine River might be laid down with, perhaps, a few miles into the interior from each of those points. Mr. Seward then suggested that perhaps an arrangement might be made to send to the Stickine River an engineer officer from each country, and that these officers should agree to the best of their ability upon the boundary points on that river, on the understanding that their decision should not be final, but should be recognized by both governments until a regular commission could be appointed which would definitively lay down the boundary.

Mr. Seward will doubtless have communicated to you the suggestion which he made to me on that occasion, and which I subsequently transmitted to the governor-general of Canada.

In reply, his excellency has informed me that in March last the Canadian Government instructed an able engineer officer, Mr. Joseph Hunter, to execute a survey of a portion of the Stickine River, for the purpose of defining the boundary-line where it crosses that river between the Dominion of Canada and the Territory of Alaska.

These instructions were carried out, and I have now the honor to transmit herewith a copy of Mr. Hunter's report, accompanied by a map showing the points where the boundary-line crosses the river.

Lord Dufferin has requested me to inquire whether the Government of the United States would be disposed to accept the boundary-line so ascertained until the exact line can be regularly determined, as such a course would save all expenditure for the present.

If, however, this proposal should not be acceptable, the Canadian Government would be prepared to accept the suggestion made by Mr. Seward, that an officer should be appointed, in conjunction with a similar appointment on the part of the United States, to report on a conventional line, which should be considered the boundary until regularly determined otherwise.

I shall feel much obliged if you will do me the honor of informing me of the views of your government upon this subject.

I have, &c.,

EDWD. THORNTON.

[Inclosure.]

*Mr. Hunter to Mr. Dennis.*

VICTORIA, B. C., June, 1877.

SIR: I had the honor in a former communication to acknowledge the receipt of your instructions (No. 6063), dated 3d March last, respecting a survey of the Stickine River, for the purpose of defining the boundary line where it crosses that river between the Dominion and the Territory of Alaska.

The following extract from the instructions above alluded to shows in a general way the nature of the duties intrusted to me, and the information furnished for my guidance:

"I have the honor, by direction of the minister of the interior, to instruct you to proceed with as little delay as possible to the Stickine River, for the purpose of making such a survey thereof and such a reconnaissance of the country embracing the Coast Range of mountains in the immediate vicinity as will enable you to ascertain with approximate accuracy the boundary on the said river between the Dominion and the Territory of Alaska.

"The boundary in question, where it crosses the river named, is described in articles 3 and 4 of the convention between Russia and Great Britain, of February 18, 1825, a copy of which you will receive herewith, with certain tracings, as follows, that is to say:

"(D) Of the admiralty chart, showing the general direction of the coast (the line of the later opposite the Stickine being shaded yellow), also the points A and B, hereinafter referred to.

"(E) Of part of the United States hydrographic chart of Alaska.

"(F) Of a sketch, hereinafter alluded to, as made by his honor Chief Justice Begbie."

Having in view the possibility of carrying out the survey previous to the breaking up of the ice on the river, a party was organized with the least possible delay, and suitable provision made for the successful accomplishment of the work to be undertaken.

We left Victoria by the Hudson's Bay Company's steamer Otter, on the evening of the 27th March, and arrived at the United States military post of Fort Wrangel on the 2d of April. The same day the party went into camp at the mouth of the Stickine River, 8 miles N. 40° 50' E. from Wrangel.

The survey was commenced on the 3d April. A correct transit-line was run along the valley of the river, mostly on the ice, a distance of about 54 miles, and the whole work finished on the 3d May.

The Otter, for which we waited five days, arrived at Wrangel on the 9th, and by her we sailed thence on the same day, reaching Victoria on the 15th May.

Before proceeding to detail results of this survey, it seems desirable briefly to notice the prominent mountain ranges and other physical features of British Columbia.

A continuation of the main Rocky Mountain Range extends from the southern boundary of the province, in latitude 49° north and longitude about 114° west, in a north westerly direction.

A spur or subsidiary range, branching off from the main range near latitude 55°

north, runs westerly and joins the eastern spurs of the coast, or, as it is sometimes called, the Cascade Range, about latitude  $56^{\circ}$ .

The general summit of the Rocky Mountains up to the fifty-fifth parallel of north latitude determines the water-shed of the continent and the eastern boundary of the province.

The western slope of this range, with its numerous spurs and isolated ridges, is drained by the rivers Fraser and Columbia, the former lying wholly in British Columbia, and draining an area of 66,000 square miles.

The Coast Range originates near the mouth of the Fraser River, in about latitude  $49^{\circ} 10'$  north, and longitude  $122^{\circ} 30'$  west, and runs in a northwesterly direction. The general bearing of its axis is nearly parallel to the average trend of the western coast as far north as latitude  $56^{\circ}$ , from whence the range bends slightly eastward to its junction with the Rocky Mountain spur above alluded to.

This range forms the climatic division between the arid uplands of the interior and the low humid country on the Pacific seaboard. The water-shed between the great basin of the Fraser River and the waters of the Pacific lies to the eastward of the Coast Range, and approaches at its extreme western limit to within 18 miles of Gardiner's Channel, an arm of the sea.

These mountain ranges can be identified with tolerable distinctness as far north as latitude  $56^{\circ}$ . Beyond that latitude, however, the system becomes more complex and confused and its prominent features more subdued.

The main coast range is supposed to extend into Alaska, branching off northeasterly towards the headwaters of Peace River, from whence the Rocky Mountains Range extends beyond the origin of the Yonkon River and its tributary the Porcupine.

An inferior range, known as the "Blue Mountains," diverges from the main coast range, opposite the source of the most easterly branch of the Skeena River, and, stretching northerly in a direction nearly parallel to the main Peace River, meets the eastern spur of the coast range about the sixtieth parallel of latitude. In the loop thus formed the rivers Skeena, Narse, and Stickine take their rise.

Another range is supposed to originate somewhere in the neighborhood of Portland Channel, in latitude  $55^{\circ}$  north, and running apparently about parallel to the coast, its axis crosses the Stickine River  $24\frac{1}{2}$  miles from its mouth. Mount Whipple, the highest peak on the river, lies on this axis. It will be more particularly referred to hereafter.

From latitude  $58^{\circ} 40'$  north, or 150 miles to the north of the Stickine, the coast line for 200 miles farther northward has been accurately surveyed by the United States Coast Survey, and the position of the adjacent mountain range determined and laid down on the charts.

The summit of this range is shown to run parallel to the coast, distant from it 13 to 20 miles.

The position and altitude of five of the highest peaks were accurately determined.

Mount Crillon, the most southerly, in latitude  $58^{\circ} 40'$  north, and longitude  $136^{\circ} 58'$  west, is 15,900 feet above the sea, and distant from the coast-line 13 miles.

Mount Saint Elias, the most northerly, in latitude  $60^{\circ} 20' 45''$  north, longitude  $141^{\circ} 0' 12''$  west, has an altitude of 19,500 feet above sea-level, and distant 20 miles from the coast.

The latter is by far the highest mountain on the North American continent, and nearly one-fourth higher than the loftiest mountain in Europe.

From Mount Saint Elias the boundary-line between Alaska and British Columbia runs due north along the one hundred and forty-first meridian to the Frozen Ocean.

There is reason to believe that the range from the southward, crossing the Stickine River, as above described, runs northward along the coast till merged in the Saint Elias Range. Its snowy summits can be seen stretching for many miles along the seaboard to the north. It is undoubtedly the range of "mountains parallel to the coast" referred to in the convention.

Between the range known as the Blue Mountains and the mountainous zone on the Pacific stretches a wide, rolling plain, similar in character and appearance to the southerly elevated plateau of British Columbia, of which it is no doubt a continuation.

The Stickine, or Stickine, River rises by three branches in this plain, near the western spurs of the Blue Mountains. One branch heads far to the south of the river-mouth, and, flowing northward, joins the middle and northern branches about latitude  $57^{\circ} 30'$  north. The river then flows northwesterly to about latitude  $58^{\circ} 45'$ , where it makes a long sweep to the westward, and, on a course about southwest, reaches the eastern flanks of the coast mountains at the Grand Rapid, 105 miles from the sea, and probably 300 miles from the source.

There is nothing known of a remarkable character in connection with the river thus far. The climate of the country through which it runs for the first 150 miles is said to be mild, the current sluggish, and the volume of water small. Its main tributaries are received in the last 250 miles of its course, and for this distance the current is swift.

Opposite a point on the river 230 miles from its mouth, 4 miles to the westward, lies

Dease Lake, the waters of which flow into McKenzie River by the Dease and Peace Rivers.

About half-way between Dease Lake and the Stickine, or two miles from either, is a point on the watershed of the Arctic and Pacific Oceans. Its elevation above the lake and river is about 100 feet, and above the sea, 2,000.

It will thus be seen that the great river systems of the two oceans overlap each other nearly 200 miles.

Some of the most valuable mines in the rich gold mining district of Cassiar are found on the western branches of Dease River, and the auriferous belt to which the above name applies lies close upon the Stickine in this neighborhood to the westward.

The small mountain-town of Glenora is situated on the right bank, 130 miles from the mouth of the river, which up to this point is navigable during the open season for small steamers. Glenora is the main distributing point for the mines of Cassiar.

On a stream 30 miles above Glenora a good seam of coal has been found.

For 60 miles in this vicinity the river runs in a deep cañon dug out of volcanic rock.

The river enters the mountains at the Grand Rapid. The change is almost instantaneous from the dry, arid ridges and stunted pines of the central plateau to the serrated, rugged, and confused mountain peaks of the Granite Range. For 20 miles the river runs about due south; it then turns nearly southeast, and runs on that course for 17 miles.

The topography of the mountains on both banks, thus far, is exceedingly rough. Nothing like distinct arrangement is observable. The mountains appear in isolated ridges and groups of steep, sharp, rocky peaks, varying in altitude from 1,500 to 4,000 feet.

The soil of the valley-bottom is loose and sandy, and sustains a growth of cotton-wood and large poplar; the mountain sides for a considerable distance up are well wooded with coniferous trees; the higher portions are in many instances covered with snow, and destitute alike of soil and vegetation.

The solid granite structure terminates 39 miles below the Grand Rapid or 69 miles from the sea, and for this latter distance the prevailing rock is a slaty diorite with frequent exposures of gray and black slates, the latter more noticeable along the delta of the river and near the town of Wrangel.

From the locality of this change in the rock structure the river runs on an average course of due south for 30 miles, and the mountains assume a more rounded appearance.

Thirty-two miles from its mouth and opposite a ridge of rough, rocky peaks on its left bank, the Stickine is joined from the east by the Iskut River. The valley of this river is broad and level, and extends for some distance nearly due east; it then turns southeast towards the Narse River, near which the south branch of the Iskut originates.

The Iskut River seems to encircle on the east the range of "mountains parallel to the coast," the eastern slope of which it drains.

The Indians are said to travel along the valley of this river from the Stickine to Fort Simpson in six days.

From the junction of the Iskut with the Stickine, looking nearly due south down the valley of the latter, can be seen, distant 12 miles, a range of high snowy summits stretching across the bearing of the river. These mountains appear rounded, massive, and higher than any yet met with, and seem to form a barrier across the valley, which here opens out into a wide basin inclosed on the east and west side by high mountains, and receiving the Kwahteetah, a considerable stream, from the eastward.

This basin lies near the general axis of the range, which has been before referred to as the mountains parallel to the coast.

The line marked on the river as the boundary between the Dominion and the Territory of Alaska crosses the lower end of the basin above described and will be more particularly noticed below.

Turned abruptly aside from its southward course by this mountain barrier, the river seeks a course of north 59° west, and continues thus longitudinally through the heart of the range for 8½ miles. It then runs south 75° west for 5½ miles, and thence south 36° west 8 miles, to Point Rothesay, a low promontory on its left bank near the coast line and the initial point of this survey.

A barren sandy tract extends along the river valley for 12 miles above Rothesay Point, named appropriately "The Desert" by early explorers.

A wide tract of sandy flats, covered at high water, extends from the river-mouth to the north and westward.

A branch, leaving the main river 8½ miles from its mouth, falls into Frederick Sound, in latitude 56° 48' north.

The remarkable glaciers found on the right bank of the river may be incidentally referred to here. They are seven in number, the first 11½ and the last 95 miles from the river-mouth. The most interesting is the Great Glacier opposite the Ice Mountain Hotel, 36.37 miles from the coast. It extends along the river 3½ miles. Its surface slopes gently to the river, and, though apparently even, is gashed by numerous

deep crevices. It presents to the east, fronting the river nearly along its whole length, a rough, perpendicular face 380 feet high.

The source of this glacier is unknown, but it is said to have been traced to the northward for 80 miles, and seems to lie along the shaded eastern flanks of the coast mountains.

Considering the narrow limits within which the operations of the survey were necessarily confined, it is evident that to have determined a point on this boundary, stretching as it does along the summit of a rough mountain range whose position and features are little known, was a work not free from difficulty.

It is, however, confidently believed that, should a more extended examination at any future time be made, the following results would be deemed satisfactory:

1. Having identified Rothesay Point on the coast at the delta of the Stickine River, a monument was erected thereon, from which the survey of the river was commenced, and from which was estimated the *ten* marine leagues referred to in the convention. This monument consists of an earth pyramid 10 feet wide at the base and 6 feet high, with a post in the center 8 feet high and 12 inches square, upon which was written, "Stickine River Boundary Survey, initial point, latitude  $56^{\circ} 34' 10''$  N., longitude  $132^{\circ} 29'$  W. 1877."

2. A survey was made of the river for 53.99 miles up, which enabled me to mark a point on the left bank thereof ten marine leagues from the coast. The angles were taken with a transit, the bearings checked by true azimuths, and the measurements effected by chaining.

To mark the point ten marine leagues from the coast, a cottonwood-tree was cut off 9 feet from the ground, and squared for 3 feet to a size of 14 inches, around which a protective cribbing of logs was built. On the west face of this post, or stump, fronting the river, was written the following: "10 marine leagues (or 182.595 ft.), at right angles, or N.  $58^{\circ}$  E., astr'l, from a line bearing N.  $32^{\circ}$  W., astr'l, and passing through a monument on Rothesay Point, mouth of river, N.  $32^{\circ}$  W., astr'l, being the general bearing of the coast-line. 20th April, 1877."

The following bearing-trees were observed and marked:

A cottonwood 18 in. diameter .....	45' S. $28^{\circ}$ W.
A cottonwood 20 in. diameter .....	35' N. $17^{\circ}$ W.
A cottonwood 14 in. diameter .....	37' N. $4''$ E.

The point thus fixed is on a cottonwood flat, on the east bank, 20 feet above the level of the river and 35 feet east of high-water mark.

3. In surveying the river, all the features on it of consequence were noted. The exact position of the Canadian custom-house and other buildings have been laid down on the plan herewith submitted. The position and height of several of the highest mountains were determined by triangulation and sextant altitudes.

4. My attention has been given to a tracing made by his honor Chief Justice Begbie, on which is a red dotted line, believed to have been laid down by the Chief Justice to mark the intersection of the Stickine Valley by a line connecting the nearest peaks on either side of the coast range of mountains.

5. I have verified this sketch, and represented on the plan, by a blue, broken, dotted line, the approximate position of the red dotted line on the sketch of the chief justice. The crossing of the river (which occurs within ten marine leagues of the coast) by a line, in the words of the treaty, "following the summit of the mountains parallel to the coast," is shown on the plan by a red, broken, dotted line.

6. This line crosses the center of the Stickine at a point in latitude  $56^{\circ} 38' 17''$  north, and longitude  $131^{\circ} 58' 14''$ , distant from the mountain [monument?] on Rothesay Point by the river 24.74 miles, and from the coast line in a direction at right angles thereto 19.13 miles.

Ten miles south  $73^{\circ} 45'$  east from this crossing is situated Mount Whipple, the highest summit visible from the vicinity of the river. Its altitude is 6,200 feet above the level of the sea.

From Mount Whipple the summit line runs south  $88^{\circ}$  west, connecting two high mountains, the altitudes of which above the sea are 5,000 and 4,500 feet.

From the last of these mountains the line crosses the river on a bearing of north  $80^{\circ} 50'$  west to a mountain 3,863 feet high, on the right bank, and thence the summit, as seen from the top of a high mountain opposite the mouth of Iskoot River, seems to run in a direction parallel to the coast.

The line thus established along the general summit of the mountains parallel to the coast is marked on each side of the river by a post 18 by 14 inches and 9 feet long. These posts, 4,329 feet apart, are sunk in the ground  $4\frac{1}{2}$  feet, and protected by cribbing of logs 9 feet square and 6 feet high.

Bearing-trees were observed and marked as follows: To the post on north or right bank of river, 30 feet north from high-water mark:

A spruce, 2 inches diameter .....	115' S. $85^{\circ}$ E.
A spruce, 3 inches diameter .....	100' S. $54^{\circ}$ E.
A spruce, 2 inches diameter .....	70' S. $2^{\circ}$ E.

To the post on south or left bank, 20 feet south from high-water mark :

A cottonwood, 30 inches diameter .....	15' N. 30° W.
A spruce, 14 inches diameter .....	40' N. 72° E.
A spruce, 12 inches diameter .....	41' S. 50' W.

The line was produced from the north boundary-post to the base of the high ground on the north side of the valley, a distance of 2,900 feet, where a spruce line-tree 16 inches diameter was blazed and marked, and from which the following bearing-trees were taken :

A spruce, 10 inches diameter .....	32' N. 80° W.
A spruce, 10 inches diameter .....	11' N. 45° W.
A hemlock, 12 inches diameter .....	35' N. 30' E.

7. The general bearing of the coast has been taken as north 32° west, or south 32° east (true), and the ten marine leagues have been estimated at right angles thereto, or north 58° east.

8. I was fortunate in securing the professional assistance of Mr. W. W. Russell, who has contributed largely to the results above stated.

I have, &c.,

JOS. HUNTER.

No. 204.

*Sir Edward Thornton to Mr. Evarts.*

WASHINGTON, February 19, 1878. (Received February 20.)

SIR: I have the honor to transmit herewith, for the information of your government, copy of a dispatch, and of its inclosures, which I have received from the governor-general of Canada relative to the supposed intention of "Sitting Bull" to enter the United States for hostile purposes, and informing me of the precautions taken by the Canadian Government in this matter.

I have, &c.,

EDWD THORNTON.

[Inclosure.]

*Lord Dufferin to Sir Edward Thornton.*

No. 10.]

GOVERNMENT HOUSE,  
Ottawa, February 14, 1878.

SIR: With reference to your dispatch No. 6, of the 4th instant, on the subject of the supposed intention of "Sitting Bull" to enter the United States for hostile purposes, I have the honor to inclose herewith a memorandum from the secretary of state for Canada which will inform you of the nature of the precautions taken by my government in this matter, as well as of the opinions entertained by the commissioner of the north-west police force in regard to the apprehensions of trouble from Sioux Indians.

I have, &c.,

DUFFERIN.

[Inclosure 1 in inclosure.]

DEPARTMENT OF SECRETARY OF STATE,  
Ottawa, February 11, 1878.

*Memorandum upon the dispatch of 4th February, 1878, from Her Majesty's minister at Washington to his excellency the governor-general relative to the supposed intentions of "Sitting Bull" and his followers to invade United States territory.*

The undersigned, fully realizing the consequences which might result from "Sitting Bull" and other Indians making Canadian territory a basis for hostile operations against the United States, has taken every precaution to prevent such a possibility.

The United States Indians who have crossed the boundary and taken refuge in Brit-

ish territory can purchase ammunition only by permit granted by officers of the mounted police, and those permits are limited to the actual requirements of the Indians for killing buffalo for food. Outposts are stationed at convenient distances between the mounted-police post at the Cypress Hills (Fort Walsh) and the Indian camps, and the Indians have been informed, beyond the possibility of misunderstanding, that they can expect nothing whatever from the Queen's Government except to be protected so long as they remain peaceable and observe the laws of the country; that their claim to be British Indians is denied, and that the Queen's Government look upon them all as United States Indians, who have taken refuge in British territory, and that if they cross the line and engage in hostilities against the United States they will forfeit all claim to protection.

Copy of a letter dated the 17th October, 1877, from Lieutenant-Colonel McLeod, commissioner of the northwest mounted police, to the United States commissioners, conveying to them the result of an interview which he held with the Indians after the failure of negotiations, is annexed hereto.

Upon receipt of the dispatch of the 19th January last, from Sir E. Thornton to his excellency the governor general, the undersigned communicated by telegraph with the commissioner of the mounted police, and has already transmitted to his excellency a telegram and a letter from that officer in reply to his inquiries. He has now the honor to transmit copy of a telegram from the assistant commissioner, dated Fort Walsh, February 2, in which that officer reports that he was with Sitting Bull on the 1st instant, gives the number of lodges of United States Indians in Canadian territory states that there is no foundation for the rumors that the Assiniboines and Yanktons are joining in bands, nor yet in the rumor that Sitting Bull intends to move south.

The undersigned has given instructions for periodical reports to be furnished to him of the movements of these United States Indians, and will cause everything of importance contained therein to be communicated to his excellency for transmission to Washington.

R. W. SCOTT,  
*Secretary of State.*

---

[Inclosure 2 in inclosure.]

*James F. McLeod to the United States commissioners.*

NORTHWEST MOUNTED POLICE,  
*Fort Walsh, October 17, 1877.*

GENTLEMEN: In answer to your note I beg to inform you that after the interview of the commissioners with the Indians, I had a "talk" with the latter.

I endeavored to press upon them the importance of the answer they had just made; that although some of the speakers to the commissioners had claimed to be British Indians, we denied the claim, and that the Queen's Government looked upon them all as American Indians who had taken refuge in our country from their enemies.

I pointed out to them that their only hope was the buffalo; that it would not be many years before that source of supply would cease, and that they could expect nothing whatever from the Queen's Government except protection as long as they behaved themselves.

I warned them that their decision affected not only themselves but their children, and that they should think well before it was too late.

I told them they must not cross the line with hostile intent; that if they did they would not only have the Americans for their enemies, but also the police and the British Government, and urged upon them to carry my words to their camps and tell all their young men what I had said, and warn them of the consequence of disobedience, pointing out to them that a few indiscreet young warriors might involve all in the most serious trouble.

They unanimously adhered to the answer they had given to the commission, and promised to obey what I had told them. I do not think there need be the least anxiety about any of these Indians crossing the line, at any rate not for some time to come.

In haste, most respectfully, yours,

JAMES F. McLEOD,  
*Commissioner.*

General A. F. TERRY,  
General A. G. LAWRENCE,  
*Sitting Bull Commission, Fort Walsh.*



(Inclosure 3 in inclosure.—Telegram.)

*Mr. Irvine to Mr. Scott.*FORT WALSH, CYPRESS HILLS, N. W. T.,  
February 2, 1878. (By mail to Helena, Mont.)

I was with Sitting Bull yesterday. He is quietly camped with about thirty lodges three miles from our post.

At end of Cypress Hills, about sixty miles from here, Spotted Eagle, with about one hundred and fifty lodges, was moving up from east to join Sitting Bull. There are about two hundred other lodges of American Sioux in the neighborhood of Wood Mountain, and there are besides about seventy-five lodges of Nez Percés with Spotted Eagle.

No foundation whatever for rumors that Assiniboines and Yanktons are joining in bands, and that Sitting Bull intends to move south.

I leave on Monday (4th February) for Wood Mountain; will stop in all Sioux camps on my way.

A. G. IRVINE,  
*Assistant Commissioner, Northwest Mounted Police.*

No. 205.

*Mr. Evarts to Sir Edward Thornton.*DEPARTMENT OF STATE,  
Washington, February 20, 1878.

SIR: Referring to your communication of the 19th of January last, and to my reply of the 24th of that month, in regard to the boundary between Alaska and British Columbia, I have now the honor to inform you that this Government has no objection to the temporary arrangement there indicated, provided it be distinctly understood on the part of both governments that it is not to be construed as affecting in any manner the rights under the treaty, to be determined whenever a joint survey shall be made, whether by a formal commission or by officers detailed for the purpose of establishing a point, as recently suggested.

I have, &c.,

WM. M. EVARTS.

No. 206.

*Mr. Evarts to Sir Edward Thornton.*DEPARTMENT OF STATE,  
Washington, March 2, 1878.

SIR: I have the honor to bring to your notice the fact that complaints have been recently made to this Department of interference with American fishermen engaged in the herring fishery on the coast of Newfoundland. In some instances these complaints have been forwarded to the Department through the United States consul at St. John's and other ports of that colony. The representations made by the consuls are, however, of a general nature, based upon statements made to them by the fishermen immediately interested, and consequently the officers in question have been instructed to collect and forward more detailed and specific information, and such further information I will do myself the honor to transmit to you so soon as the reports from the consuls shall have been received.

Still more recently similar complaints have been received through the collector of the port of Gloucester, Mass., supported by the sworn statements of the masters of eight fishing-schooners of that port; and from the statements thus forwarded it appears that in January of the present year those vessels had reached the neighborhood of Long Harbor, and were actively engaged in the herring fishery, and that most of the seines were full of fish and ready for hauling, when, in one instance, two seines belonging to the schooners "Ontario" and "New England," respectively, were cut by an enraged crowd of over 200 men, and the whole catch, estimated at not less than 5,000 barrels of herring, suffered to run out to sea.

Other instances are given, only less in quantity and value, the proceedings resulting in the vessels, eight in number, being obliged to abandon the fishing-grounds on that coast and return to their home port in ballast. When it is remarked at what considerable expense the preparations are made for a season's fishing in these waters, many of the men, mariners as well as masters, embarking their all in the enterprise, the serious character of their losses may be partially understood.

The President has deemed it proper, in view of the possible complications to which a continuance of these lawless proceedings might give rise, to bring the subject directly to the attention of Her Majesty's Government, with a view to an early investigation of the facts, and the adoption of such measures on its part as may be deemed advisable to prevent a recurrence of the acts complained of, and the Minister of the United States at London has been accordingly instructed to take the necessary steps in that direction. Meantime, I have deemed it right to transmit the facts, so far as they are already known, for your information.

I have, &c., &c.,

WM. M. EVARTS.

No. 207.

*Sir Edward Thornton to Mr. Evarts.*

WASHINGTON, March 6, 1878. (Received March 7.)

SIR: With reference to your note of the 20th ultimo, I have the honor to inclose copy of a dispatch, and of its inclosure, which I have received from the governor-general of Canada, conveying the assent of the Canadian Government to the understanding that the provisional arrangement in regard to the Alaska boundary shall not be held to affect the treaty rights of either party.

I have, &c.,

EDWD. THORNTON.

[Inclosure.]

*Lord Dufferin to Sir Edward Thornton.*

No. 14.]

GOVERNMENT HOUSE,  
Ottawa, March 2, 1878.

SIR: With reference to your dispatch, No. 11, of the 21st ultimo, I have the honor to inclose herewith a copy of a minute of the privy council of Canada, expressing the assent of my government to the understanding that the provisional arrangement in regard to the Alaska boundary shall not be held to affect the treaty rights of either party.

I have, &c.,

DUFFERIN.

[Inclosure to inclosure.]

*Copy of a report of a committee of the honorable the privy council, approved by his excellency the governor-general in council, on the 28th February, 1878.*

The committee of council have had under consideration the dispatch of 21st February, 1878, of the British minister at Washington to your excellency, having reference to the Alaska boundary.

Sir Edward Thornton reports in this dispatch that, having submitted the proposition of the Canadian Government to Mr. Evarts, namely, that both governments should accept, *pro tempore*, the line reported by Mr. Hunter, civil engineer, or both banks of the Stickine River, Mr. Evarts, in a letter dated February 20, says that the United States Government "has no objection to the temporary arrangements thus indicated, provided it be distinctly understood on the part of both governments that it is not to be construed as affecting in any manner the rights under the treaty, to be determined whenever a joint survey shall be made, whether by a formal commission or by officers detailed for the purpose of establishing a point, as recently suggested."

The honorable the minister of public works, to whom said dispatch has been referred, recommends that Sir Edward Thornton be informed that the Canadian Government concur in the proposition as agreed to by Mr. Evarts, and that he be requested to communicate the same to the Government of the United States.

The committee submit the foregoing recommendation for your excellency's approval.

Certified.

W. A. HIMSWORTH,  
Clerk Privy Council, Canada.

---

No. 208.

*Sir Edward Thornton to Mr. Evarts.*

WASHINGTON, April 18, 1878. (Received April 19.)

SIR: In compliance with an instruction which I have received from the Earl of Derby, I have the honor to inform you that the governor of New Zealand, at the instance of his ministers, has requested that the thanks of the colony may be conveyed to the Government of the United States for the very handsome and effective manner in which salmon ova have been shipped to New Zealand by the Fishery Commission of the United States, under the direction of the chief commissioner, the Hon. Spencer F. Baird.

I have the honor to transmit herewith copy of the dispatch and of its inclosure upon this subject from the governor of New Zealand to the secretary of state for the colonies.

I have, &c.,

EDWARD THORNTON.

---

[Inclosure.]

*The Marquis of Normandy to the Earl of Carnarvon.*

WELLINGTON, February 1, 1878.

MY LORD: I have the honor to inclose a memorandum which I have received from my government, by which you will see that they are anxious to convey the thanks of this colony to the Government of the United States for the very handsome and effective manner in which salmon ova have been shipped to this colony by the Fishery Commission of the United States, under the direction of the chief commissioner, the Hon. Spencer F. Baird.

I venture also to express a hope on my own part that your lordship will see no objection to adopt the course proposed by my government, as I think that the action of the American Government has evinced such a feeling of friendship and generosity towards New Zealand in a matter in which deep interest is taken as to demand a special mark of acknowledgment and thanks on the part of this colony.

I have, &c.,

NORMANDY.

[Inclosure in inclosure.]

*Memorandum for his excellency.*

No. 4.]

WELLINGTON, February 1, 1878.

Ministers desire respectfully to inform his excellency, the governor, that the half million salmon ova which arrived by the mail steamer from San Francisco in November last have been successfully hatched and distributed to the various rivers in the colony, and that by information which has reached the government from various directions it has been demonstrated that, owing to the extreme care with which the ova was packed in America, the very satisfactory result of about 95 per cent. of live fish has been obtained.

In addition to the half million sent at the request of the government, an equal quantity has been sent to the various acclimatization societies in the colony, and this handsome gift of salmon ova has been made to the colony without charge except cost of packing and transit by the Fish Commission of the United States under the direction of the Hon. Spencer F. Baird as Chief Commissioner.

Ministers venture to think that so generous an action on the part of a foreign nation is worthy of being acknowledged in a special manner.

They would, therefore, respectfully ask his excellency to bring the matter under the notice of Her Majesty's Government through the secretary of state for the colonies, in the hope that Her Majesty's Government will permit a communication to be made to the Government of the United States of the thanks of the colony of New Zealand for the generous and valuable gift of a million salmon ova to the colony.

G. S. WHITMORE,

*In the absence of the Premier.*

No. 209.

*Sir Edward Thornton to Mr. Evarts.*

WASHINGTON, May 20, 1878. (Received May 20.)

SIR: I have the honor to inform you that I forwarded to Her Majesty's principal secretary of state for foreign affairs a copy of your note of the 2d of March last, upon the subject of the disputes which had taken place between British and United States fishermen on the coast of Newfoundland.

The Marquis of Salisbury referred your note, as well as a letter from the minister of the United States to the Court of St. James, to Her Majesty's secretary of state for the colonies. And his lordship has now instructed me to state that he is informed that inquiries are being instituted into the matter, both by the authorities of Newfoundland and by the senior naval officer on the station.

I have, &amp;c.,

EDW. THORNTON.

No. 210.

*Mr. Evarts to Sir Edward Thornton.*DEPARTMENT OF STATE,  
Washington, June 17, 1878.

SIR: Referring to previous correspondence on the subject, I have now the honor to inform you that the Secretary of the Interior has forwarded to this Department a copy of a recent official report relative to the trade in ammunition alleged to be carried on between Indians belonging to reservations in Montana and Idaho, who cross the frontier, and parties in the British possessions. It is also stated in the report that the traffic

in question is very extensive, and that it is said to be encouraged by Her Majesty's authorities there.

This information is communicated to you for such action as you may be pleased to take in the premises.

I have, &c.,

WM. M. EVARTS.

---

No. 211.

*Sir Edward Thornton to Mr. Evarts.*

WASHINGTON, July 11, 1878. (Received July 12.)

SIR: I have the honor to refer to my note to the Secretary of State of the 26th of April, 1875, in which I informed him that I had been instructed by Her Majesty's principal secretary of state for foreign affairs to invite the Government of the United States to come to a formal agreement, in accordance with Article XXX of the treaty of May 8, 1871, upon the rules and regulations framed by the United States and the Dominion of Canada, governing the transportation of dutiable merchandise between those two countries under the acts of June 27, 1864, July 28, 1866, the above-mentioned treaty, and the act of March 1, 1873. The conclusion, however, of this arrangement was delayed by a discussion with regard to Article XIX of the United States regulations, and Mr. Cadwalader's note of August 17, 1875, proposed on the part of the Treasury Department an amendment to that article. The original regulations proposed by the United States, as well as the amendment to Article XIX, were agreed to by the Governments of Her Majesty and of the Dominion of Canada, as I had the honor to inform the Secretary of State in my notes of November 13, 1874, and of January 14, 1876.

In my letter of the 13th of November, 1874, I transmitted to the Secretary of State a copy of the regulations which had been drawn up by the customs department of Canada and approved by the Canadian Government.

As, therefore, the Governments of Her Majesty and of the Dominion of Canada are prepared to abide by the regulations of the United States transmitted to me in Mr. Fish's note of January 17, 1874, together with the amendment to Article XIX proposed in Mr. Cadwalader's note of August 17, 1875, and by the Canadian regulations forwarded to the Department of State in my note of November 13, 1874, I have now the honor to inquire whether the Government of the United States is also willing to observe the provisions of these regulations, and to agree that it will do so, that the stipulations of Article XXX of the treaty of May 8, 1871, may be carefully carried out.

In the event of both the contracting parties agreeing upon the above-mentioned regulations, experience of their operations may show that some modifications on each side might be advisable. If this should be the case, I would suggest an agreement at present that a previous announcement should be made by each government to the other of the precise nature of the change which may be contemplated.

I have, &c.,

EDWARD THORNTON.

No. 212.

*Mr. Secard to Sir Edward Thornton.*DEPARTMENT OF STATE,  
*Washington, July 15, 1878.*

SIR: I have the honor to transmit herewith for your information a copy of an act of Congress, approved June 19, 1878, "to aid vessels wrecked or disabled in the waters conterminous to the United States and the Dominion of Canada."

You will observe that said act is not to take effect until proclamation by the President of the United States declaring that the privilege of aiding American or other vessels wrecked or disabled in Canadian waters contiguous to the United States has been extended by the Government of the Dominion of Canada.

I desire to inquire, therefore, whether any provision has been or will be made by the Government of the Dominion of Canada for extending to American or other vessels wrecked or disabled in Canadian waters contiguous to the United States the reciprocal privileges referred to, so that this Government may, at as early a day as may be convenient, be placed in possession of the information necessary for carrying the above-mentioned act into effect, in accordance with its provisions.

I have, &c.,

F. W. SEWARD,  
*Acting Secretary.*


---

[Inclosure.]

AN ACT to aid vessels wrecked or disabled in the waters conterminous to the United States and the Dominion of Canada.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That Canadian vessels of all descriptions may render aid or assistance to Canadian or other vessels wrecked or disabled in the waters of the United States contiguous to the Dominion of Canada: *Provided,* That this act shall not take effect until proclamation by the President declaring that the privilege of aiding American or other vessels wrecked or disabled in Canadian waters contiguous to the United States has been extended by the Government of the Dominion of Canada and declaring this act to be in force: *And provided further,* That this act shall cease to be in force from and after the date of proclamation by the President to the effect that said reciprocal privilege has been withdrawn or revoked by the said Government of the Dominion of Canada.

Approved June 19, 1878.

No. 213.

*Mr. Evarts to Sir Edward Thornton.*DEPARTMENT OF STATE,  
*Washington, July 31, 1878.*

SIR: Having submitted for the consideration of the Secretary of the Treasury a copy of your note of the 11th instant relative to the rules and regulations governing the transportation of dutiable merchandise between the United States and Canada, I have now the honor to state that I have received a communication from my colleague, dated the 27th instant, stating that his Department concurs in your suggestion that a previous announcement should be made by each government to the other of the precise nature of any change in the regulations which may be

contemplated, and that the action of the Treasury Department will be in accordance therewith.

The Secretary of the Treasury suggests that the amendments to the regulations referred to in the inclosed circulars, dated September 15, 1876, and November 27, 1876, may be submitted for the consideration of the Government of the Dominion of Canada.

I shall be happy to notify the Secretary of the Treasury of any action thereon which may be taken by that government when it shall have been made known to you.

I have, &c.,

WM. M. EVARTS.

No. 214.

*Mr. Seward to Sir Edward Thornton.*

DEPARTMENT OF STATE,  
Washington, August 26, 1878.

SIR: Referring to your note of the 19th instant, in which you inform this Department that the Government of the Dominion of Canada has not yet made any provisions for extending to American vessels the reciprocal privileges alluded to in the act of Congress of June 19, 1878, I have the honor to state that I have just received a communication from the Acting Secretary of the Treasury which illustrates forcibly the necessity that exists for action upon the part of that government, in order to prevent exceedingly vexatious occurrences.

The facts as communicated by the Treasury Department are as follows: A few days since the American tug *Champion*, in taking a tow of vessels up the Detroit River, stopped on the Canada side, opposite Detroit, alongside the dock on that side, and made the tow fast, to enable the tug to go to Detroit for some purpose. There were five vessels in the tow, and the rear one came below the dock and washed against the bank of the river and lodged there. The captain of the tug, when he returned, started up his tow, and parted the tow-line between the rear vessel and the one ahead. He immediately anchored his tow in the river, and went back and pulled the vessel off and fastened to the tow again. For doing this the vessel was seized by the officers of the Dominion Government, and the captain was not allowed to proceed on his voyage until he had given bonds for \$400. The Treasury Department furthermore has information that similar cases are of frequent occurrence in Canadian waters contiguous to the United States.

I have, &c.,

F. W. SEWARD,  
*Acting Secretary.*

No. 215.

*Mr. Seward to Sir Edward Thornton.*

DEPARTMENT OF STATE,  
Washington, August 27, 1878.

SIR: I have the honor to inform you that a dispatch, dated the 20th July, has been received from the consul of the United States at Victoria, British Columbia, inclosing a communication, under date of the 6th

ultimo, from the owners of the steamboat *Nellie*, which plies regularly on the Stickine River, complaining that certain restrictions have been imposed upon United States steamers navigating that river which are not applied to British vessels, and which, in their opinion, virtually result in prohibiting all American vessels from carrying freight or passengers thereon. The complaint of the owners of the *Nellie* is based upon the following statement of facts:

Vessels clear from Port Wrangel to Glenora, where the Dominion custom-house is located, and where duties on foreign goods are paid. Twelve miles above Glenora is Telegraph Creek, the head of navigation, where goods are landed and forwarded to the Cassiar mines. When the navigation is difficult between Glenora and Telegraph Creek, the *Nellie* has been accustomed to unload at Glenora and proceed with part of the cargo to Telegraph Creek, returning and transporting the residue to the same point by successive trips. These successive trips of the *Nellie*, or any American vessel, in order to carry forward to their ultimate destination, by successive portions, such cargoes or parts of cargoes as may have been unladen at Glenora, have been expressly forbidden by the customs authorities at Ottawa under an instruction bearing date of the 6th of May last; and it is alleged in this instruction that "this course is not allowed to Canadian vessels in any similar circumstances in the United States." It is further stated in the instructions referred to that "the general exaction as to the right to navigation by both nations is not open to question, but the right must always be exercised with due regard to the customs laws and regulations."

The question having been submitted to the Secretary of the Treasury for his consideration and decision, a reply was received on the 23d instant from the Acting Secretary to the effect that the prohibition of the Canadian customs authorities is in conflict with the stipulations of the second paragraph of article 16 of the Treaty of Washington. These stipulations grant the free navigation of the Stickine River for the purposes of commerce, "subject," it is true, "to any laws and regulations of either country within its own territory"; but it is at the same time stipulated that the laws and regulations of either country shall not be inconsistent with such privilege of free navigation. He adds that it appears to the department that any Canadian customs regulation which allows an American steamer to carry forward a full cargo from Glenora to Telegraph Creek on a good stage of water, but forbids the same steamer, at a low stage of water, to carry forward its cargo in portions by successive trips, is inconsistent with such privilege of free navigation of the Stickine River, and that therefore the Canadian regulation is forbidden by the terms of the Treaty; that the question whether the United States would grant the same privilege to Canadian vessels on *other* rivers in United States territory is irrelevant; but so far as the Stickine is concerned, should a similar necessity arise for a shipment of the entire cargo by successive trips upon that portion of the river embraced in the territory of the United States, this country would be constrained by the terms of the Treaty to grant the privilege.

I have the honor to bring the foregoing facts and considerations to your attention, in the confident hope that the proper course will be taken by Her Britannic Majesty's Government in the Dominion of Canada to remove a restriction which this government cannot but regard as an interference with the free navigation of the Stickine River, as stipulated in the treaty of Washington.

I have, &c.,

F. W. SEWARD, *Acting Secretary.*



No. 216.

*Sir Edvard Thornton to Mr. Ervarts.*WASHINGTON, *September 16, 1878.* (Received September 16.)

SIR: With reference to previous correspondence upon the subject of the proposed international regulations for preventing collisions at sea, I have the honor to state that I am now informed by the Marquis of Salisbury that no country has expressed general dissent from them, and that the Governments of France, Italy, Spain, and Portugal have formally expressed their concurrence in the draught submitted for their approval by Her Majesty's Government.

Further modifications, as shown in the paper herewith inclosed, were, however, suggested by the Governments of the United States, Belgium, Denmark, and Germany, and have been very carefully considered by the joint committee appointed by the Admiralty, Trinity House, and Board of Trade, to whom they were referred.

I have the honor to inclose a copy of the remarks of the committee upon the suggestions of your Government which were transmitted to me by you, and which I forwarded to the Marquis of Salisbury.

His lordship has now instructed me, in bringing these facts to the notice of the Government of the United States, to communicate to you the documents herein inclosed, and to express the hope of Her Majesty's Government that the text of the proposed regulations, as finally adopted by the joint committee, and as contained in the accompanying paper, will meet with the approval of your Government.

Should additional alterations be now proposed, it is to be feared that the governments who are satisfied with the rules as they stand may make objections and that further difficulties will be occasioned in bringing to a final close an arrangement which is substantially agreed to, and which, for the safety of shipping generally, it is desirable to bring into operation as soon as possible.

As I am confident that the Government of the United States will see the expediency of an early decision being come to upon the subject, I venture to hope that you will invite the attention of the proper department to it in order that I may receive an answer as soon as may be convenient.

I have, &c.,

EDWD. THORNTON.

---

[Inclosure.]

*Reply to the United States.*

ART. 12. A steamship under sail and not under steam is, within the meaning of the regulations, a sailing-ship. The object, therefore, of requiring a fog-horn to be on board steamships is that a steamer, if the engine breaks down, or if for other reasons the ship is under sail, may be provided with the proper means of signaling as a sailing-ship. Its use is, according to the regulations as they stand, limited, as suggested in the United States Criticism, to times when the steam-whistle is not available.

As regards the suggestion that the intervals mentioned, (a) (b) and (c), should be one minute instead of two, the committee are of opinion that a rule requiring these signals to be always sounded at so short an interval as one minute would be very difficult, if not impossible, to enforce, and might, by making the signals too frequent, lead to confusion and danger in crowded waters. It is to be observed that the rules, as they stand, make the interval of two minutes the *maximum*, and that consequently they are not inconsistent with the United States Statutes, which prescribe for local purposes an interval of not more than one minute.

No. 217.

*Mr. Seicard to Sir Edward Thornton.*DEPARTMENT OF STATE,  
*Washington, October 9, 1878.*

SIR: Referring to your note of the 16th ultimo, in relation to the proposed international regulations for preventing collisions at sea, a copy of which, together with its accompaniments, having, as you have already been advised, been submitted for the consideration of the Secretary of the Treasury, I have the honor to inform you that, in a communication to this Department, dated the 2d instant, that officer states, as his opinion, that if section 4233 (Rule 15a) of the Revised Statutes of the United States may not be considered an obstacle, the adoption of the rules as revised July 10, 1878, marked B, should not be hazarded by any further suggestions; and that the adoption of these "Rules of the road" by the several maritime nations will result in mutual advantage and tend to lessen the dangers of navigation on the high seas.

With reference to the provision of paragraph A of Rule 15 of section 4233 of the Revised Statutes of the United States, prescribing that steam-vessels shall sound a steam-whistle at intervals of not more than one minute, I have to state that the attention of the proper committee of Congress will be called to the propriety of amending that provision in harmony with the proposed international rules of the road, should the same be adopted by the several maritime nations.

Meanwhile, it is observed that the provisions of Rule 25 leave the local laws operative in the waters of the United States.

I have, &c.,

F. W. SEWARD,  
*Acting Secretary.*

No. 218.

*Sir Edward Thornton to Mr. Seward.*

WASHINGTON, October 12, 1878. (Received October 14.)

SIR: With reference to Mr. Evarts's note of the 31st of July last, a copy of which was transmitted to the governor-general of Canada, I have now the honor to inclose a copy of his excellency's answer, and of a report of a committee of the privy council, from which you will perceive that the Canadian Government acquiesces in the amendments to the rules and regulations for the transportation of dutiable merchandise between the United States and Canada, as contained in the circulars of the Secretary of the Treasury of September 15, 1876, and November 27, 1876. I should, therefore, now be glad to be informed whether the Government of the United States is prepared to abide by the regulations as now amended, and by the Canadian regulations, forwarded to the Department of State in my note of November 13, 1874, it being always understood that a previous announcement should be made by each government to the other of the precise nature of any change in the regulations, which may be contemplated.

I have, &c.,

EDWD. THORNTON.

[Inclosure.]

*Lord Dufferin to Sir Edward Thornton.*CITADEL, QUEBEC, CANADA, *October 9, 1878.*

SIR: My government has had under consideration Mr. Drummond's dispatch of the 5th August last and its inclosures, regarding the regulations governing the transportation of dutiable merchandise between the United States and Canada, and I have now the honor of communicating to you a report of a committee of the privy council recommending that the regulations contained in the circular of the Secretary of the United States Treasury of the 15th September and 27th November, 1876, be approved and confirmed.

I have, &amp;c.,

DUFFERIN.

[Inclosure to inclosure.]

*Copy of a report of a committee of the honorable the privy council, approved by his excellency the governor-general, on the 28th September, 1878.*

The committee have had under consideration the dispatch of Mr. Drummond, acting for Her Majesty's minister at Washington, of 5th August, submitting certain amendments to the regulations governing the transportation of dutiable merchandise between Canada and the United States, for the consideration of this government.

The honorable the minister of customs reports that the regulations as contained in the circulars of the Secretary of the Treasury of September 15 and November 27, 1876, and the amendments, have proved satisfactory, in their practical operation, to this department, and he recommends that the same be approved and confirmed.

The committee advise that the regulations referred to be approved as recommended. Certified.

W. A. HIMSWORTH.

No. 219.

*Mr. Seward to Sir Edward Thornton.*

DEPARTMENT OF STATE,  
*Washington, October 25, 1878.*

SIR: With reference to your note of the 13th ultimo, I have the honor to inform you that the contents thereof, together with the copy of the contagious diseases act which accompanied it, were duly communicated to the Secretary of the Treasury, from whom a letter has been received on the subject.

It appears that under the provisions of the act, all animals landed from abroad at any port within the United Kingdom will, after the 1st of January next, be slaughtered at the port of debarkation, except in the case of countries specially exempted, in whole or in part, by the privy council from the operation of the act; and that, should the United States desire to secure this immunity, it will be necessary for a statement to be made on its part, giving the laws regulating the importation of animals into its territory and the methods adopted to prevent the spread of any contagious disease when it exists in any part of the country.

Furthermore, it seems to be desired that a report of the general sanitary condition of animals in this country should be furnished from time to time.

Upon the first point, the Secretary of the Treasury remarks that section 2493 of the Revised Statutes of the United States prohibits absolutely the importation of neat cattle and the hides of neat cattle from any foreign country, but provides that the operation of such law may be suspended as to any foreign country, or part thereof, whenever the Sec-

retary of the Treasury shall officially determine and give public notice that such importations will not tend to the introduction or spread of contagious or infectious diseases among the cattle of the United States.

The restrictions thus imposed, he states, are now suspended generally as to all countries, with the requirement, however, that invoices of neat cattle or the hides of neat cattle coming from most foreign countries to the United States shall have attached thereto a certificate from a consular officer of this country at the port of shipment that the animals or the hides, as the case may be, are free from contagious disease. Where such certificate does not accompany the invoice, a special application to the Treasury Department is necessary, or the animals or hides cannot be landed or admitted to entry at the custom-house. This law and the regulations issued in pursuance thereof appear to be the only limitation which the laws of the United States impose upon the introduction of animals or hides into its territory.

With regard to the methods taken to prevent the spread of disease, he states that he is not aware that any measure has been adopted by this government to prevent the spread of contagious diseases among the animals in the United States, as that subject is regarded as being within the control of the officers of the various States composing the Union. But he addressed a letter to the Commissioner of Agriculture, in which he requested the Commissioner to state what control the Department of Agriculture had attempted to exercise over the matter. To this Commissioner Le Duc replied that his department had not assumed any functions in the premises, further than to appoint a commission of inquiry for investigating diseases of swine and infectious and contagious diseases to which other classes of domesticated animals are subject, which has not yet completed its labors.

It is considered desirable that this country should be excepted from the law of Great Britain aforementioned, and in view of the general absence of the rinderpest and other contagious diseases among animals in the United States, it is not apprehended that any great danger to the cattle of Great Britain will arise from the shipment of animals or hides from this country to that kingdom. As regards that question, this Department can merely give the assurance that, should it obtain any information either through the public press or through documents received by it or by the Department of the Treasury that a contagious disease among animals prevails in any part of the United States, it will furnish information thereof to Her Majesty's Government from time to time, as occasion may require.

I should be pleased to receive early information of the conclusions which may be arrived at by Her Majesty's Government respecting the exemption of the United States from the operation of the act in question.

I have, &c.,

F. W. SEWARD,  
*Acting Secretary.*

---

No. 220.

*Mr. Evarts to Sir Edward Thornton.*

DEPARTMENT OF STATE,  
*Washington, October 29, 1878.*

SIR: With reference to your note of the 12th instant, in relation to the amendment of the rules and regulations governing the transporta-

tion of dutiable merchandise between the United States and Canada, the contents of which were duly communicated to the Secretary of the Treasury, I have the honor to inform you that a letter has been received from my colleague, stating, with regard to the inquiry contained in your note, that the Canadian regulations which were transmitted by you to my predecessor, Mr. Fish, upon the 13th November, 1874, are perfectly satisfactory to the Treasury Department, and, in connection with the regulations of that Department as amended, will hereafter guide customs officers in matters pertaining to the transportation of dutiable goods between the respective countries.

Any change or modification of existing regulations that may hereafter be found desirable will be submitted for the consideration of the government of the Dominion of Canada.

I have, &c.,

WM. M. EVARTS.

No. 221.

*Mr. Evarts to Sir Edward Thornton.*

DEPARTMENT OF STATE,  
Washington, October 31, 1878.

SIR: I have the honor to acknowledge the receipt of your note of the 25th instant, stating that the President and Fellows of the Royal College of Physicians have, in accordance with the request of V. F. Benett Stanford, Esq., M. P., undertaken to award a prize of £100, offered by that gentleman, for an essay on hydrophobia which shall be considered of sufficient merit, and requesting me, in accordance with instructions received by you from Lord Salisbury, to take such steps as may be most convenient for communicating copies of the notice which you inclose to the universities or medical schools in the United States where they will be most likely to attract attention or to otherwise judiciously dispose of them.

I have accordingly caused an announcement of the prize offered to be made in the public press of this country, and, as an additional means to further the object of your note, have communicated copies of the notice received from you to the Secretary of the Interior, for transmission to the Bureau of Education. Due note has also been made of the willingness which you express in your note to receive and transmit to England any essays on the subject prepared in this country.

I have, &c.,

WM. M. EVARTS.

## GREECE.

No. 222.

*Mr. Read to Mr. Evarts.*

No. 323.]

LEGATION OF THE UNITED STATES,  
Athens, November 30, 1877. (Received December 21.)

SIR: The general commerce of Greece averages annually \$18,500,000 in imports and \$11,400,000 in exports. There is, accordingly, a balance of trade against this country of about \$7,100,000.

The external commerce of Greece is carried on mainly by sea. There are, however, some cattle and a few products of very little value which are exchanged by land-carriage with the neighboring provinces of the Turkish Empire.

The greater part of the internal trade of Greece finds its way on the backs of mules and donkeys, or on carts, whenever the roads permit.

A portion of this traffic is also by sea in *caïques*, or small sailing-vessels, of from 30 to 100 tons' capacity. In this manner wine, fruit, oil, and other products are transported to the Piræus, Syra, and other seaports of Greece, from the islands of the *Ægean Sea* and the coast of Peloponnesus. Even dried currants are shipped from different ports of the Peloponnesus in *caïques*, and are landed in Patras, Zante, Cephalonia, and other depots, where they are transferred to steamers or sailing-vessels, which take them to America and England and other parts of the world.

England holds the first rank as an importer of articles into Greece and a consumer of Greek products. The merchandise imported from and exported to that country forms about three-fifths of the total commercial movement in Greece.

Next to England comes Turkey; then, in their order, Austria, France, Russia, and Italy. These six states absorb about ninety-four hundredths of the total commerce of the Hellenic Kingdom.

The principal articles exported from England and imported into Greece are the following: Cotton and wool tissues; undressed hides; charcoal; salt fish in general; unwrought and wrought iron; sugar; liquors; rice; coffee, and bronze.

The importations from Turkey are the following: Grains; cattle; wood in general; wool tissues; fruits in general; salted goods; cotton, &c.

The importations from France are: Sugar; wool; cotton and silk tissues; undressed and dressed hides; coffee; salted goods; rice; glassware; worked gold, and matches.

The imports from Russia are: Grains; black and red caviar, and undressed hides.

Italy imports into Greece, sulphur (large quantities being used to prevent the disease of the grape and currant vines); wood in general; rice; salted goods; paper, &c.

America largely supplies Greece with salted goods, and it has recently almost entirely absorbed the petroleum market in this country. The importation of refined petroleum from the United States has greatly increased of late. Greek merchants formerly obtained petroleum from Roumania and Austria. But about three years ago entire cargoes began to arrive from New York. During this year 10 cargoes of refined petroleum, each containing an average of 6,000 cases or 12,000 tin cans, arrived at the port of the Piræus alone.

The total consumption of refined petroleum in Greece averages 840,000 *okes*, equal to about 2,310,000 pints, or 288,750 gallons a year. The price-current varies from about  $5\frac{1}{2}$  to  $6\frac{1}{2}$  cents a pint, or 44 to 52 cents a gallon.

Canned fish and lobsters, and sewing-machines also form important items in the importations from America.

About one-half of the exports of Greece (estimated by their pecuniary value) are taken by England. These exports are currants; lead; valonea; olive oil; tobacco; emery. To Austria, figs; valonea; currants; liquors; olive oil; undressed hides are sent. To Turkey, dressed hides; spun cotton; soap; lemons and oranges; olive oil; liquors and cheese

are exported. To the United States, currants; and likewise rags, olives, wool, and wine.

The consumption of flour imported into Greece is about 780,000 okes, or about 1,560,000 pounds a year. This is exclusive of the amount produced by the country itself. The market price averages 55 lepta an oke, equal to 20 lepta or  $3\frac{1}{4}$  cents a pound.

The total value of imported corn consumed in Greece amounts to about \$3,600,000 a year; of barley, to about \$109,000 a year; and of Indian corn, to about \$207,000 a year. So that Greece can be said to spend in the article of corn, whether in the shape of flour or grain, imported from abroad, the amount of about \$3,968,000 a year. The larger part of this has hitherto been drawn from Turkey and Russia. But the closing of the ports in the Black Sea, by the war, has cut off the principal source of supply, and the moment has arrived for the United States to hasten to secure the Greek grain market, in the same manner as we have already gained the English, French, and Italian markets, in accordance with the suggestions contained in my No. 305, of last July.

I have, &c.,

JOHN MEREDITH READ.

No. 223.

*Mr. Read to Mr. Evarts.*

No. 328.]

LEGATION OF THE UNITED STATES,  
*Athens, December 18, 1877. (Received January 7, 1878.)*

SIR: Referring to my No. 323, I have the honor to state that the local authorities were recently requested by the government to ascertain the quantity of corn and flour existing in Athens and the Piræus. This inquiry was made on the 6th of December, and it was found that on that day, in the above-mentioned cities, there were 292,210 okes, or 803,577 pounds of flour, and 1,942,992 okes, or 5,343,228 pounds of whole wheat. The daily consumption of the above breadstuff (which is the only one used in this city and the Piræus) is 124,625 okes, or 67,719 pounds, worth upon an average 4 cents a pound, making a total of \$2,708 expended for bread in the above-mentioned cities every twenty-four hours.

The inquiry was considered essential, in order to know what supplies would be required for the towns in case of war.

I have, &c.,

JOHN MEREDITH READ.

No. 224.

*Mr. Read to Mr. Evarts.*

No. 342.]

LEGATION OF THE UNITED STATES,  
*Athens, January 25, 1878. (Received February 16.)*

SIR: Referring to my No. 340, I have the honor to report that the coalition ministry, composed of the various political leaders, tendered its resignation on the 22d instant. This resulted from a divergence of opinion in respect to the warlike or peaceful attitude of Greece.

The King invited Mr. Coumoundouros to form a cabinet, which he organized as follows:

Mr. A. Coumoundouros, president of the council and minister of the interior;

Mr. Papamichalopoulos, minister of finance and *ad interim* of justice;

Mr. S. Petmezas, minister of war;

Mr. G. Bouboulis, minister of marine;

Mr. Theodore P. Delyanni, minister of foreign affairs and *ad interim* of ecclesiastical affairs and public instruction.

The new cabinet took the oaths before the King on the 23d, at 6 p. m.

On the following day Mr. Coumoundouros appeared before the Chamber and announced the resignation of the former ministry, and his own advent to power. He added:

After the resignation of the common ministry, or, as it was called, the ecumenical government (whose retirement I sincerely disliked, and for whose maintainment I earnestly labored), His Majesty charged me with the formation of the new government. I felt, gentlemen, all the weight of the mission, because I knew, as you know, what circumstances and dangers surround us. I, however, as well as my honorable colleagues, thought that we must not hesitate to submit to such a sacrifice, because really it is a sacrifice to undertake now the direction of public affairs. We decided, therefore, to accept office, and here we are before you as ministers.

Our programme is contained in a few words: Active and real protection and defense of Hellenism, and of our oppressed and tyrannized brethren. [Loud applause from the galleries, and protracted cheers.]

Gentlemen, in the circumstances we must not get enthusiastic over words. Let us look for deeds. Let us hope that things may turn to our advantage. We need prudence more than enthusiasm.

We will submit to you in a day or two the measures by which we think that our programme will be carried out. I believe that this delay will not appear strange to you, because I have associated with me some new colleagues, who now for the first time are acquainted with the state of things and with the actual situation. There is, therefore, an absolute necessity for us to request this delay.

We shall preserve a strict respect for the constitution, for the power of every government lies in a strict adherence to constitutional principles.

For the present I beg the Chamber to discuss the bills concerning the national guard, the contributions levied for military purposes, and the budget.

The Greek papers thoroughly approve the programme of the new cabinet, saying that it expresses the public opinion of the country. They declare that the nation is ready to sacrifice everything for the purpose of delivering its brethren from servitude.

I have, &c.,

JOHN MEREDITH READ.

No. 225.

*Mr. Read to Mr. Evarts.*

No. 343.]

LEGATION OF THE UNITED STATES,  
*Athens, January 26, 1878. (Received February 16.)*

SIR: Referring to my No. 338, I have the honor to report that the Greek Chamber passed yesterday a bill by which the importation duties upon cotton seed and cleansed or uncleansed cotton are abolished.

The above bill will take effect from the day of its ratification by the King and publication.

I have, &c.,

JOHN MEREDITH REA



*Mr. Read to Mr. Evarts.*

No. 346.]

LEGATION OF THE UNITED STATES,  
*Athens, January 29, 1878. (Received February 25.)*

SIR: Referring to my Nos. 342 and 345, I have the honor to report that the news of the proposed terms of peace, which reached Athens on the 26th instant, and which contained no mention of Greece, created intense feeling in the city of Athens. Small crowds began to gather in the streets, discussing the unfortunate turn of affairs in an excited tone. As the day advanced the assemblages increased in size and importance, and expressions of contempt were loudly uttered against the former ministry who had failed to declare war.

A large number of persons gathered outside of the Chamber of Deputies, as it was supposed that a sitting would take place at 2 p. m.; but in this they were disappointed. As Mr. Coumoundouros, Mr. Zaimis, and the president of the chamber were passing the chamber in a carriage, the people raised loud cries in behalf of war, and then launched insults against the above-named persons, following the carriage even to the ministry of the interior, where, however, they were prevented from entering by policemen stationed at the gates. They then proceeded to Concord Square, where they obtained a flag and made their way to Constitution Square. Their shouts gathered a still greater number of people, who were finally addressed by a student of the university, a certain Autonopoulos, who spoke to them as follows:

My countrymen, free Greece ought to give freedom to the East. Hellenism, from the year 1862, has trusted to the traitors of the present moment the charge to protect the land which was acquired by the blood of our fathers. These men, since that time, have loaded upon the shoulders of the unfortunate people 150 millions. We must confiscate their property as the least indemnity of the nation. Eight months ago we united them in order to protect the imprescriptible rights of Hellenism; but instead of acting together for the accomplishment of the work which they were requested to perform, they hid the sacred deposit confided to them. [Voices from all sides, "Death to the traitors!"] Now, one only thing remains for us to do—either to live with dishonor, or die with honor. [Voices, "We must die with honor and glory!"] Forward, then, to punish the criminal traitors! [Many voices, "We must to-night kill them and declare war!"] We must now go to the King and say that we have no government, and that we only have a King and a flag.

The people then advanced toward the palace, throwing stones at the gendarmes, who tried to prevent them. They continued shouting about half an hour for war and for the punishment of the ministers. The King finally came out upon his balcony, attended by the Queen, the heir apparent, and the marshal of his court, and said, "I love this country; I adore my home as you do." [Voices, "Long live the King! War! war!"] The King: "I advise you to be quiet, because the greatest prudence is required in the present circumstances." The King, after these words, withdrew.

The crowd then turned their way toward the university, where they expected to seize the arms of the University Phalanx; but finding that they were not there, they proceeded toward Concord Square, followed by a large body of mounted gendarmes.

It was 4.30 p. m. as the crowd halted near the house of Mr. Tricoupi, and began to stone it. Just at this moment I turned the corner of the street, next to Mr. Tricoupi's house, totally unconscious of the attack which the crowd had just made. As I reached the residence of the ex-minister I found the sidewalk covered with stones, and the windows, doors, and walls broken and disfigured by various missiles. I had

scarcely time to realize the situation when a man ran toward Mrs. Read, crying, "Get out of the way; the soldiers are coming!" Just then a volley of stones fell behind us, and I caught a flying carriage and placed my wife in it. The driver whipped his already frightened horses and dashed into the street in which we live, immediately in front of the mob, which was giving way before a charge of the cavalry. As the horses ran, firing was heard, but it was impossible to tell whether it came from the crowd or the soldiers. The crowd, notwithstanding the attempt to disperse it, continued to increase, and took its way to the house of Mr. Zainis, which suffered an attack similar to the one made upon Mr. Tricoupi's mansion. Here another attempt was made by the government force to disperse the crowd; but the soldiers were repulsed. Here, likewise, the deputy director of police, who acted with great energy and courage, was severely wounded.

The residence of Mr. Coumoundouros was the next object of the fury of the populace. But when the invaders attempted to force an entrance they were met by a determined resistance; and in the struggle shots were exchanged, and one person in the crowd was killed and four were wounded. Being defeated in this attempt, the crowd, headed by Colonel Coronaens, a deputy from Cerigo, now proceeded to the houses of Mr. Delyauni, Colonel Zimbrakakis, and Mr. Deligeorges, where they found no one, and contented themselves with breaking the windows. They then returned to the palace, sent Colonel Coronaens to explain to the King that they desired a declaration of war and the punishment of the ministry. But His Majesty having more important business at that moment did not receive the colonel.

In the meantime a great fear fell upon the city, and all the shops were closed, for many thought that the troubles would continue during the night. But the crowds eventually dispersed about six o'clock, although the agitation continued. The authorities displayed great energy in the re-establishment of order. They mustered all the troops of the city and the neighborhood, and sent patrols into every street throughout the night.

The next day the excitement still continued, and crowds again gathered here and there in the central streets and squares. The number was greater on account of its being Sunday. At about 1.30 p. m. many students and others gathered in great numbers upon the Square of the University where they were addressed by two speakers who concluded by saying that the late ministers must be punished for having failed to do their duty. While one of the speakers was still haranguing, a company of soldiers advanced with fixed bayonets, and after some time, and firing several volleys, succeeded in dissolving the crowd. The people then gathered in Concord Square with a flag. The public force, however, pursued them, and succeeded in dispersing them.

The government forces were now called to another point. A speaker at the Piræus had gathered there a great number of the populace, and after a short speech, in which he declared for war and insulted the former ministers, said that the people listening to him ought to go on foot to Athens and express their views to the King. As they were entering the city, however, they were met by the government troops and requested to return. They nevertheless persisted and threatened. Then the officer in command ordered his men to fire, and four were wounded and two killed. The populace, seeing that the soldiers were disposed to repeat the experiment, dispersed. Some of them, however, took up the dead bodies and escaping by another street carried their burden to Constitution Square, whither they were followed by another crowd. They now attempted to make their way toward the palace to exhibit the dead

bodies to the King. But the troops stationed in the square would not permit them to pass, and they went away leaving the bodies. At about 5.30 p. m. a comparative calm ensued.

During the night great care was taken to guard the different streets and the places where government arms were stored, for the mob threatened that they would seize these arms and revenge the attacks of the soldiers.

The next day, Monday, there were more threatening demonstrations at 1 p. m., the hour when the session of the chamber began, and it was thought that the ministers and ex-ministers would not be present, but they arrived, surrounded by a strong guard, and passed quietly through the force of 300 soldiers stationed about the Parliament building. This show of courage and determination effectually put an end to further attacks upon them.

One of the most remarkable features of this painful crisis was the unanimous confidence and respect manifested toward the King. Throughout the whole movement not a word was breathed against the character of the sovereign. It must be a great source of satisfaction to the King to feel that his unremitting and conscientious labors in behalf of Greece are appreciated by his subjects.

I have, &c.,

JOHN MEREDITH READ.

No. 227.

*Mr. Read to Mr. Erarta.*

No. 350.]

LEGATION OF THE UNITED STATES,  
*Athens, February 2, 1878. (Received February 25.)*

SIR: In view of the unsettled state of affairs here, I thought it my duty, in accordance with previous intimations to the Department, to suggest to Admiral Le Roy the propriety of sending one of our vessels of war to the Piræus. The admiral recognized immediately the importance of doing so, and with prompt courtesy informed me that he had ordered the Marion to leave Nice for this point. The Marion, Commander Bradford, accordingly reached here yesterday at 10 a. m., and it is probable that she may be necessarily detained here, for Greece is on the point of declaring war with Turkey, and it is said that the Greek troops under General Soutzo have already crossed the frontiers and entered Thessaly. This may be a premature report, but it will undoubtedly prove a true one within thirty-six hours. Commander Bradford informed me that he saw several vessels outside of the harbor of Piræus employed in putting down torpedoes as a means of defense against the Turkish fleet.

Photiades Bey, the Turkish minister, told me yesterday that he is informed that the Turks have 20,000 men near Salonica, and a fleet of four iron-clads, with many transports, which would move immediately upon the Piræus in case of war. This is probably an exaggeration; but great excitement reigns in Athens, and many families are hastening to leave the city by the outgoing steamers. It remains to be seen whether Greece has not postponed her hostile movements too long. If she had acted promptly after the fall of Plevna, success would have been assured, in all human probability.

I have, &c.,

JOHN MEREDITH READ.

No. 228.

*Mr. Read to Mr. Erarts.*

No. 352.]

LEGATION OF THE UNITED STATES,  
*Athens, February 5, 1878. (Received March 1.)*

SIR: In continuation of my No. 350, I have the honor to report that on the morning of the 2d of February, the Greek army of 10,000 men stationed on the frontiers was ordered to advance into the Greeco-Turkish provinces of Epirus and Thessaly. The minister of foreign affairs, in communicating this order to the Turkish legation, said to Photiades Bey:

The government does not propose to make war against Turkey. In ordering the troops to occupy Epirus and Thessaly, it is merely adopting a measure for the protection of the lives of Christians now menaced by the irregulars of Turkey. This movement is the more essential because of the revolution which has broken out in those provinces and because Turkey cannot spare her regular troops to restore order and protect the people.

Photiades Bey answered that he would communicate this interesting information to his government and await instructions.

In the mean time the foreign telegraphs announced yesterday that the Turkish fleet had been ordered to sail to Greece for the purpose of bombarding the Piræus and other coast towns.

The Greeks fear the pillage of the Turks far more than the preliminary bombardment. I believe, however, that there is far more danger of internal than of external troubles for the moment.

Hasty fortifications were begun at the Piræus on the 3d instant. I remarked to a Greek officer that this might invite attack from the Turkish fleet, which otherwise would have little or no excuse for firing upon a defenceless town. His reply was significant: "I assure you, sir, that the people are in such an excited condition, that if we did not do this civil war, with all its horrors, would overtake us."

In this connection it should be remarked that 10,000 chassepots have been distributed to the national guards. Among those who have received arms are inevitably mingled some who ten days ago threatened the lives of the present cabinet and ex-cabinet ministers. To-day the national guard are summoned to assemble and take the usual oaths.

I have, &c.,

JOHN MEREDITH READ.

No. 229.

*Mr. Read to Mr. Erarts.*

No. 354.]

LEGATION OF THE UNITED STATES,  
*Athens, February 5, 1878. (Received March 1.)*

SIR: In view of the critical state of affairs I have visited each individual who has a claim to American protection, and I have prepared a list of persons and properties entitled to be covered by our flag. Although all American travelers have left here, which greatly reduces the numbers of our colony, I find that there are more than sixty persons residing here to occupy my attention. There are also a number of valuable buildings, like the large ones in which are lodged the mission

schools of Dr. and Mrs. Hill and Miss Mure, whose male and female scholars number about 800.

Yesterday I returned the call of Commander Bradford, and we agreed upon a suitable and safe spot to which our fellow-citizens—men, women, and children—will be conveyed by the Marion in case of necessity. I should remain, here, however, in such an event.

I cannot praise too highly Commander Bradford's promptitude in offering the hospitalities of his ship to our countrymen in case of need.

There are many things occurring here now which remind me of my experiences at Paris during the German siege and the siege of the commune. Of course, if any more serious crisis arises, there would be greater danger to life than at that time, because the size of this city places everyone *en evidence*. On this account I advise mere travelers not to tarry here, but to depart to more tranquil scenes. I may be allowed to repeat that I do not place faith in stories of a bombardment. I feel that there is more danger to be apprehended from internal troubles; but I sincerely trust that the troubles will soon be over, so that this interesting country may finally reap the benefits of her many struggles and trials.

It is proper to add that our countrymen residing here have called upon me to thank me for the measures I have taken for their safety.

I have, &c.,

JOHN MEREDITH READ.

No. 230.

*Mr. Read to Mr. Evarts.*

No. 355.]

LEGATION OF THE UNITED STATES,  
*Athens, February 6, 1878.* (Received March 2.)

SIR: The continuance of Photiades Bey at Athens and of Mr. Coundouriotis, the Greek minister, at Constantinople is a noticeable feature of the present situation. The representatives of the protecting powers—England, France, and Russia—in consultation with the representatives of the other European states, have induced the Greek Government to withdraw the Greek troops from Turkey, upon the understanding that Greece will receive certain guarantees in the approaching conference. It is said that the order to return will be sent to-night or to-morrow morning to General Sontzo.

I have, &c.,

JOHN MEREDITH READ.

No. 231.

*Mr. Read to Mr. Evarts.*

No. 366.]

LEGATION OF THE UNITED STATES,  
*Athens, March 9, 1878.* (Received April 6.)

SIR: General Grant arrived at the Piræus in the Vandalia yesterday at 3.30 p. m. from Constantinople. The Marion, Commander Bradford, which has been stationed here for some time, and the Alliance, Commander Kane, flying the broad pennant of Admiral Le Roy, awaited his

coming. I proceeded at once on board the *Vandalia* and welcomed General Grant. The captain of the port also came immediately to ascertain at what hour General Grant would like to land, as the municipal authorities desired to welcome him officially to the Piræus.

General Grant left the *Vandalia* at 5 p. m., accompanied by myself and Admiral Le Roy and Commander Robeson. As the boat passed toward the shore our three war-vessels; the two German vessels of war, Commodore Kinderling commanding; the Italian, Captain the Marquis San Felice; the French, Captain Billiard; the English, Lieutenant Doxat; and the two Greek, the *Olga* and the *George*, ran up our flag, manned their yards, cheered, and fired a salute of twenty-one guns.

The Piræus was brilliantly decorated with flags, and large crowds gathered to witness the landing, which took place at the new quay, whose marble square was ornamented with arches and banners, while a broad carpet was spread from the water's edge to the spot where the carriages were stationed. The mayor of the Piræus, M. Mitzopoulos, advanced to the steps and addressed General Grant in the following words:

GENERAL: I and the communal council of this city having heard of your arrival, hasten to greet you and to bid you welcome. We desire to mark our respect for your excellency as a great general and a wise ruler, and to say that the Greek nation entertains the warmest sentiments of love and gratitude toward the American nation for what it did in behalf of Greece at the time of the struggle for independence in 1821, and for the sympathy which your country has so often and so constantly manifested.

General Grant replied, thanking the mayor and the city for his hearty reception; expressed his joy on account of the progress of modern Greece, and hoped that she might be permitted to continue to advance in glory and take that high position among the nations of the earth to which she is justly entitled. The city band then played "Hail to the Chief," and the people cheered with the greatest enthusiasm.

General Grant made his way to the carriage which the mayor of the Piræus had placed at his disposal. The route to the station was thronged, and marks of respect were everywhere manifested. Upon the arrival of the long line of carriages at the station, the manager of the railway, Mr. Paraskeraides, advanced and announced that a special train, with a royal carriage attached, was in waiting. At the same time the little niece of the manager, dressed in the Greek costume, tendered to Mrs. Grant a beautiful bouquet composed of violets, with thirteen white roses therein, referring to the original United States.

Upon the arrival at Athens, the mayor of the city, the prefect of Attica and Boeotia, and the municipal council, surrounded by a great and enthusiastic crowd, welcomed General Grant. The mayor addressed him as follows:

The city of Athens receives with profound respect the late President of the glorious American Confederation. Seizing this occasion, Greece manifests in the strongest manner her undying gratitude toward the great American nation for the aid and sympathy which it copiously granted to her in her great struggle for independence. She feels, moreover, grateful for the interest which the United States manifested in behalf of the progress and future of Greece, and she is delighted to welcome the illustrious ruler and captain.

General Grant replied with great emphasis:

I am glad to find that the sentiments of both peoples are mutual. I sincerely wish that Greece may enjoy every species of prosperity, and I think that she should be allowed to take that enlarged position to which her ancient achievements and her modern progress clearly entitle her.

General Grant and family and suite were then conveyed to my residence amidst the salutations and cheers of the whole population. I have

placed a large suite of rooms at General Grant's disposal, and he will be my guest during his stay in Greece.

I shall spare no pains to carry out the instructions of the Department by extending every mark of attention and respect in my power to General Grant.

I have, &c.,

JOHN MEREDITH READ.

No. 232.

*Mr. Read to Mr. Evarts.*

No. 367.]

LEGATION OF THE UNITED STATES,  
*Athens, March 9, 1878. (Received April 6.)*

SIR : The papers of this morning are full of enthusiastic accounts of the splendid reception given to General Grant. I gave a large dinner in his honor yesterday, at which the admiral and many of the officers of our fleet were present, and to-night a dinner is to take place at the palace, to which more than seventy persons are invited.

The visit of General Grant has excited the highest interest among the Greeks of every class. A great crowd is uninterruptedly stationed opposite this legation in the hopes of catching a glimpse of him.

The King has manifested the utmost interest in the visit of General Grant, and several days before his coming issued orders to insure his prompt and hearty reception.

Immediately upon General Grant's arrival, by special orders from the King, the minister of war detailed Major Fountoucles, of the staff, to attend General Grant as his aid-de-camp. The prefect of the administrative police of Athens and the Piræus also placed a guard at the door of the legation, and all the other ministers have manifested the greatest care not to omit anything that could be done as a mark of honor and respect to General Grant.

I have, &c.,

JOHN MEREDITH READ.

No. 233.

*Mr. Read to Mr. Evarts.*

No. 368.]

LEGATION OF THE UNITED STATES,  
*Athens, March 11, 1878. (Received April 13.)*

SIR : Referring to my No. 367, I have the honor to state that a dinner was given in the great hall at the palace, by the King, on Saturday last, in honor of General Grant. Seventy persons were present, including the court, the cabinet, myself, Admiral Le Roy, Commander Bradford, Commander Kane, Commander Robeson, and many officers of our ships.

Royal carriages conveyed General Grant from my residence to the palace. Upon his arrival, the King advanced to meet him, and led the way to the blue saloon, where the Queen received General and Mrs. Grant, and the American representative, and fifteen minutes were spent

in conversation. After the dinner I had the pleasure of presenting the various officers of our fleet to their Majesties.

On Sunday General Grant called upon the King, and spent half an hour with him.

I have, &c.,

JOHN MEREDITH READ.

No. 234.

*Mr. Read to Mr. Evarts.*

No. 369.]

LEGATION OF THE UNITED STATES,  
*Athens, March 12, 1878. (Received April 13.)*

SIR: The King called upon General Grant yesterday, at 3 p. m., at my residence. The interview lasted three-quarters of an hour. Later a large reception was given at Phalerum, by Mr. Kehayas, formerly a cabinet minister, in honor of General Grant.

In the evening of the same day a dinner of twenty-five persons was given by me. After the dinner General and Mrs. Grant and my other guests drove to the Acropolis, and witnessed the illumination of the magnificent ruins upon that splendid site, and also the temples of Jupiter and Theseus, on the plain below. The illumination was arranged in honor of General Grant, by the government. It surpassed in brilliancy the illuminations in honor of the Emperor of Brazil and the Emperor of Austria.

I have, &c.,

JOHN MEREDITH READ.

No. 235.

*Mr. Read to Mr. Evarts.*

No. 370.]

LEGATION OF THE UNITED STATES,  
*Athens, March 13, 1878. (Received April 13.)*

SIR: To-day the King lunched on board the *Vandalia* with General Grant, and spent two hours in conversation.

The King came officially, in uniform. He has indeed seized every occasion to manifest his respect for General Grant, and the feelings of His Majesty have been fully shared by his subjects, who have displayed great enthusiasm whenever General Grant has appeared in the streets.

I have, &c.,

JOHN MEREDITH READ.

No. 236.

*Mr. Read to Mr. Evarts.*

No. 371.]

LEGATION OF THE UNITED STATES,  
*Athens, March 14, 1878. (Received April 13.)*

SIR: Yesterday I gave a large dinner in honor of General Grant, to which were invited the cabinet ministers, the heads of the different par-

24 F B



ties, the admiral and commanding officers of our fleet, the commanders of all the other vessels of war in the harbor, including the German, French, Italian, and English; and other distinguished persons.

The dinner was followed by a large reception. The previous day I gave a dinner to General Grant which was attended by the court and the diplomatic body.

I have, &c.,

JOHN MEREDITH READ.

No.237.

*Mr. Read to Mr. Evarts.*

No. 372.]

LEGATION OF THE UNITED STATES,  
*Athens, March 15, 1878. (Received April 13.)*

SIR: Yesterday at 3 p. m. the marshal of the court called to take leave of General Grant in the name of the King and Queen. It had been His Majesty's intention to accompany General Grant to the railway, but his intentions were frustrated by an accident which fortunately proved to be of no lasting consequence. General Grant, Mrs. Grant, Mr. Jesse Grant, Admiral Le Roy, and myself left my residence at 3.15 in the King's carriages. General Grant was met at the station by the minister of foreign affairs, the prefect of Attica, the mayor and council of Athens, and a guard of honor.

The former took leave of General Grant with words of warmest friendship and respect, and General Grant replied in feeling terms. A special train and the King's car conveyed General Grant and his suite to the Piræus, where another enthusiastic meeting took place, in which the city authorities and a large concourse of people took part. The city was decorated with flags, and as General Grant passed to the Vandalia, all the ships in the harbor, including the war-vessels of Greece, America, England, Germany, France, and Italy, manned yards, cheered, and fired salutes of twenty-one guns.

General Grant's visit has been marked by constant expressions of respect on the part of the King and the people, and I have never witnessed a more enthusiastic reception. General Grant was surprised and impressed by the appearance of Athens, by the good order prevailing everywhere, and by the evidences of progress, prosperity, and civilization apparent on all sides. He constantly expressed his astonishment in finding such a well-settled country and such an admirable population. He said that he felt such a people deserved sympathy and encouragement, and that the King's slender territories should be increased by important additions, enabling Greece to take the position in the world to which her ancient renown and her modern struggles and triumphs entitle her. America and Greece have many things in common, and our vigorous country should seek on every occasion to manifest her sympathy for the Hellenic kingdom.

I have, &c.,

JOHN MEREDITH READ.

No. 238.

*Mr. Read to Mr. Evarts.*

No. 378.]

LEGATION OF THE UNITED STATES,  
*Athens, April 4, 1878. (Received April 22.)*

SIR: The reported assassination of Mr. Ogle, correspondent of the London Times, by Turkish soldiers in the vicinity of Volo, has created a profound sensation at Athens. It appears that Mr. Ogle was returning from Macrinitza after the battle, and must have been set upon and murdered by Turkish regulars. It was at first reported that his body had been found with the head cut off. It now appears, however, that the body aforesaid has been recognized and claimed by a lady in that vicinity; and it is thought that Mr. Ogle was cut into pieces by the Turks so that they might more readily conceal the corpse.

If the body is found, an immense public funeral will take place at Athens; and even if it is not obtained, funeral ceremonies will undoubtedly be performed with great solemnity.

I have, &amp;c.,

JOHN MEREDITH READ.

No. 239.

*Mr. Read to Mr. Evarts.*

No. 384.]

LEGATION OF THE UNITED STATES,  
*Athens, April 11, 1878. (Received April 29.)*

SIR: The details which are now known concerning the massacres of Macrinitza surpass even what had been supposed.

The committee of consuls, who visited the locality, found evidences of pillage and murder in all directions. The bleeding bodies of old men, young children, and women were discovered weltering within the precincts of their churches, to which they had fled in vain for refuge. Women had been dishonored and assassinated at the very steps of the altar. It was the brave protest of Mr. Ogle against these atrocities which drew down upon him the vengeance of the commander of the Turkish forces. It is said that as the brave but unfortunate young man was leaving the presence of Amusagha, the latter, pointing to him, said, "That dog must die!" and he put a price upon his head. He was shot through the breast and bayoneted, and his head cut off and carried away to serve as proof to obtain the reward. The headless body arrived on Tuesday, and yesterday the remains were followed with every mark of tender respect by an immense procession of many thousands, and were buried with military honors. Each profession and trade in Athens and the Piræus was represented by a magnificent wreath of immortelles. Sixty-five of these beautiful emblems were carried before the funeral car. I have never before seen such a manifestation in Athens.

I have, &amp;c.,

JOHN MEREDITH READ.

No. 240.

*Mr. Read to Mr. Evarts.*

No. 385.]

LEGATION OF THE UNITED STATES,  
*Athens, April 12, 1878. (Received May 1.)*

SIR: Referring to my No. 377, I have the honor to state that Mr. Eutychides, an American citizen at Volo, in acknowledging the reception of my dispatch, in which I informed him that the United States ship Marion was ordered by Admiral Le Roy to Volo, writes to me under date of the 6th of April, as follows:

Your excellency is aware that Macrinitza wholly, and other villages near it partly, were plundered last week, and more people, including men, women, and children, were massacred than was at first thought, Mr. Ogle, correspondent of the London Times, being among them. On Sunday last, seeing the soldiers, even, plunder the refugees in the streets of Volo, while they were striving to run to a place of safety, I was alarmed for the safety of the town and took the liberty of sending to your excellency a telegraphic dispatch soliciting your help.

I have now the honor to acknowledge the receipt of your answer to the effect that the "American war vessel Marion had been ordered from Smyrna to Volo," for which I am much obliged and beg to offer my sincere thanks, in which, I am sure, all the Christian population of Volo unite.

Since receiving this letter I have heard that the Marion has reached Volo, and that she has been engaged in the humane work of transporting women and children to a place of safety on the neighboring coast.

I have, &c.,

JOHN MEREDITH READ.

No. 241.

*Mr. Read to Mr. Evarts.*

[Telegram.]

LEGATION OF THE UNITED STATES,  
*Athens, April 12, 1878.*To Secretary EVARTS,  
*Washington:*

Greece accepts our invitation, and will send representative to the bi-metallic conference.

READ.

No. 242.

*Mr. Read to Mr. Evarts.*

No. 386.]

LEGATION OF THE UNITED STATES,  
*Athens, April 13, 1878. (Received May 1.)*

SIR: Referring to my No. 383, I have the honor to report that I telegraphed to you as follows yesterday:

Secretary EVARTS,  
*Washington:*

Greece accepts our invitation, and will send representative to the bi-metallic conference.

READ.

I have now the honor to inclose a copy and translation of the communication of the minister of foreign affairs upon which I based my telegram. In spite of the difficulties of the situation and the impoverished condition of the treasury, His Majesty's Government has hastened to give another proof of the value it attaches to the friendship of our government and people. The speedy manner in which our invitation has been accepted is owing to the personal urgency of the King, who never ceases to mark in the most unmistakable way his appreciation of our government. I think that the prompt action of His Majesty cannot fail to be gratifying to the President.

I have, &c.,

JOHN MEREDITH READ.

---

[Inclosure in No. 386.—Translation.]

*Mr. Delyanni to Mr. Read.*

MINISTRY OF FOREIGN AFFAIRS.

*Athens, March 31 (April 12), 1878.*

GENERAL: I hasten to bring to your knowledge the fact that the department of finance, conforming itself to the decision taken by the council of ministers in their sitting of to-day, has notified me that the Royal Government is ready to take part in the monetary conference projected by the American Confederation.

In giving myself the pleasure of communicating to you this determination of the Hellenic Government, I am in duty bound also to draw your attention to the fact that the Government of the King, having under consideration the engagements already created by the monetary convention of the Latin Union, will not be able to depart from the basis nor from the spirit of the dispositions of the said convention.

Please to accept, general, the assurances of my high consideration.

THEODORE P. DELYANNI.

---

No. 243.

*Mr. Read to Mr. Evarts.*

No. 387.]

LEGATION OF THE UNITED STATES,

*Athens, April 13, 1878. (Received May 1.)*

SIR: I have the honor to state that new massacres are announced by the official paper of the prime minister, Mr. Coumoundouros, as having taken place in the insurgent provinces, and that Crete has been the scene of new atrocities.

The other day the ministry of war published a notice to the effect that it desired to purchase 20,000 pair of boots for the Greek infantry and 2,000 for the Greek cavalry, to be delivered within seventy days; also 40,000 pair of socks and 40,000 pair of trousers, to be delivered within forty days, and it invited immediate proposals.

It seems that the government is straining every nerve in its preparations for war. It is concentrating troops near the boundary line, and the minister of war passed many hours last night at the telegraph office, communicating with the commanders of the troops on the frontiers.

The situation is extremely critical. The papers announce that the English Government has entered into an understanding with the Greek Government, which will allow the former to land troops upon the island of Euboea in case it may be deemed necessary. In such a moment it would be most unwise to withdraw diplomatic representation from this capital. It would be likewise an ungracious act, in view of the prompt

steps taken by Greece to manifest its friendship and respect for our government by accepting immediately our invitation to the bi-metallic conference.

I have, &c.

JOHN MEREDITH READ.

---

No. 244.

*Mr. Read to Mr. Evarts.*

No. 405.]

LEGATION OF THE UNITED STATES,  
Athens, May 23, 1878. (Received June 14.)

SIR: An act of brigandage was committed on the road leading to Eleusis on Friday last at 8 o'clock p. m. The clerk of the telegraph office at Eleusis was going to his post from Athens on horseback, accompanied by the owner of the horse. When they arrived at Thanasio, near Daphni, two men, dressed in fustanellas, rushed upon the clerk, sabers in hand, demanding his money or his life. The terrified clerk gave them his watch, his money, and even the purchases which he had just made in the city for his family. Thereupon he was allowed to depart to Eleusis.

This event has caused a great sensation here, as the road to Eleusis has been considered, as it really was, an entirely safe road. The administrative and judicial authorities have moved to the place, have cross-examined a great number of witnesses, and are still pursuing inquiries for the discovery of the culprits.

This event might have happened in the neighborhood of any capital in the world, and if it had happened here at a different moment it would not have produced such a great impression and such fears as it now does. But with the great number of idlers crowding the city of Athens, who have returned from the insurrections in Thessaly and Epirus, and who would not hesitate to join any band of brigands or to form one themselves, the government think that they must adopt strict measures to prevent a total disorganization of the public safety. The police act with energy, and will eventually succeed in driving out of the city these insurgents and in sending them to their respective places of residence.

The *Palingenesia*, in two consecutive articles in its issue of the 21st and 22d instant, advises the government to try by every means in their power to suppress any attempt to disturb the public security.

"The recent history of 1854," says the above paper, "must be the guide of the administration. They are in duty bound to keep public order on the boundary line, in order to prevent a repetition of acts of brigandage. If they do not do this, it may be that public order will suffer from people who have shown already great inclination for highway robberies, and who are ready to pour over continental Greece. Our large army on the frontier is a guarantee for checking such criminal attempts. But this army cannot always be on the frontier in great numbers. We advise the government to do what this very important crisis requires, and to do it with energy and speed."

The *Ephemeris*, published yesterday, states that the English legation is paying 15 drachmas and their passage to all the disbanded insurgents to go to their homes. But this is an error.

The disturbed condition of Greece makes the presence of a legation more than ever imperative. The crisis through which this country is

now passing renders it absolutely essential to have a diplomatic representative here. This state of things will last until the suspense is relieved by a war, or by the enlargement of Greece through the kind offices of some of the European powers. In any event, if there is any spot in the world where we require a mission it is in Greece. As I have already frequently remarked, I should consider myself derelict in duty if I did not point to this fact in the most emphatic language. The Department is fully aware of the dangers to which American lives and American interests would be exposed in the absence of diplomatic representation, and I trust that its advice may receive that attention to which it is always entitled. In judging of the necessity of representation in any country, many persons are led to consider *only* the commercial advantages. But there is another point upon which the American people have always insisted, and that is that their lives and their property shall receive adequate and prompt protection. This legation has already had occasion to prove the efficacy of its support in this direction. It has been, also, fortunate in directing national attention to opportunities for trade, which were seized upon with avidity, and have proved to be of the greatest financial value. The profits derived from the movement of grain last year, in accordance with a clear statement and suggestion in one of my dispatches, were alone sufficient to pay the expenses of our whole diplomatic service. Therefore it is clear that this legation should be upheld upon the first point as well as upon the second.

I have, &c.,

JOHN MEREDITH READ.

---

No. 245.

*Mr. Read to Mr. Evarts.*

No. 410.]

LEGATION OF THE UNITED STATES,  
Athens, June 20, 1878. (Received July 8.)

SIR: The expectations raised here by the meeting of the congress at Berlin have been thus far disappointed. The crisis in Greece is a vital one. She has strained every physical and financial nerve to place herself in a respectable position; and she has had a right to believe that her just claims would be admitted. Yet the news which arrives from Germany is not entirely reassuring. To-day's dispatches say that Count Schouvaloff has vigorously argued against her admission to the congress, and conflicting reports are published every moment, showing the feverish state of the public mind. The semi-official organ of the prime minister says that the congress has admitted in principle the representation of Greece in it, but that no decision has yet been reached as to the exact title under which her representative is to appear. Notwithstanding this declaration, the cabinet do not seem to be entirely confident that matters concerning Greece are to end peacefully.

The journal already quoted remarks in a leading article: "We have no particular reason to believe that the final decision of the congress will be in conformity with the principles of progress and justice, and there are some indications which persuade us that the unanimity of the congress will not be maintained. Whatever turn affairs may take, we believe, without hesitation, that the eastern nationalities will have finally their rights and their liberty."

The difficulties of the situation have caused Greece unceasingly to pre-

pare for eventualities. A Greek flotilla of four ships, soon to be joined by a fifth, has been maneuvering daily off Phalerum, and instructing the sailors in the tactics of modern naval warfare. Two more Krupp field batteries arrived the day before yesterday, and the King, accompanied by the minister of war, was present at their landing. A numerous army is concentrated at Chalcis, where a regular camp has been established, which is soon to be honored by the presence of the sovereign.

The organization of mountaineer infantry is progressing rapidly. As soon as the regiments are formed here they are sent to the frontier for drill.

It is freely said on all sides that if the congress does not give Greece what she justly claims, viz, in round terms, Epirus, Thessaly, Macedonia, and the islands, she will make war and strive to obtain her own and aid her oppressed brethren in the above provinces, even at the risk of losing her national existence.

It is impossible not to admire the courage of the Greeks and their able King, whose motto is, "My strength is the love of my people."

I have, &c.,

JOHN MEREDITH READ.

---

No. 246.

*Mr. Read to Mr. Evarts.*

No. 412.]

LEGATION OF THE UNITED STATES,  
*Athens, June 27, 1878. (Received July 17.)*

SIR: The Greek Government has received an official telegram stating that the representative of Greece, Mr. Delyanni, received permission yesterday to enter the congress.

According to the Stoa, informed as it says from official sources, the Greek representative will speak to-day and explain before the congress the claims of Greece upon the neighboring Turkish provinces and Crete. It is moreover reported that the reasonable requests of Greece will be satisfied by the congress by annexing to her a great part of Epirus, Thessaly, and Crete.

In the mean time, as I have had repeated occasion to remark, the Greek Government does not neglect preparations for eventualities. One of the government organs states that it has contracted a new loan in Paris for 50,000,000 francs at 8 per cent. interest and 1 per cent. sinking-fund. The Greek press with pride declares that the contraction of this loan at this time, when even the greatest nations find money with difficulty, is a triumph for the Greek nation and government. Of course this action must be ratified by the Chamber, which is not now in session, but which will not hesitate to indorse this measure.

Public order was lately disturbed in Canea and other cities of Crete. Massacres were committed by the Turkish troops upon the unarmed inhabitants, whose houses are also burned. The Greek Government propose to send one or two ships down there, being informed that even the life of the Greek consul is in danger. According to a communication of the general convention of the Cretans to the consuls in the island, there are 2,050 persons without roof or without bread in the province of Apocorona alone.

I have, &c.,

JOHN MEREDITH READ.

No. 247.

*Mr. Evarts to Mr. Read.*

No. 130.]

DEPARTMENT OF STATE,  
Washington, July 10, 1878.

SIR: You have already been informed of the omission of Congress to make an appropriation for the current year on account of the legation of the United States at Athens.

It is considered proper to assure you that whatever may have been the circumstances under which the appropriation failed, the result was a subject of sincere regret to the Department, not only on account of the peculiar interest which by reason of its pre-eminence in literature and art and the illustrious examples it has bequeathed must always be felt by the people of the United States in the prosperity of Greece, but also in view of the ability and integrity with which you have so uniformly protected the rights and privileges of American citizens in the various consular and diplomatic positions to which you have been appointed.

I am, &c.,

WM. M. EVARTS.

No. 248.

*Mr. Read to Mr. Evarts.*

No. 416.]

LEGATION OF THE UNITED STATES,  
Athens, July 13, 1878. (Received July 31.)

SIR: Great anxiety prevailed here until a few days ago concerning the fate of Greece at the Berlin congress. Mr. Delyanni set before the congress the claims of Greece, saying in substance that the extension of the territory of Greece was—

I. An act of justice, which was not performed originally upon the regulation of the boundaries when the kingdom was established, but which she now had a right to expect to obtain.

II. It was an act entirely in accord with the purpose for which the congress had assembled, viz, the pacification of the East. For it would be impossible to render peace durable without giving to Greece the populations which inhabit Thessaly and Epirus, and the still struggling Crete. The minister of foreign affairs moreover urged that it is in the interest of Turkey to have these provinces annexed to Greece, as she incurs continued struggles and expenses in keeping them under her power. He said that Greece will also suffer great loss of money and tranquillity as long as these provinces remain under Turkish rule; because distinguished and wealthy people, originally from these provinces, now reside in Greece, and every time that a stir is made in their fatherland they sustain the movement by money and energy. Greece cannot prevent these actions, and so troubles arise in the affairs, and difficulties ensue between Greece and the Porte. He concluded by demanding the annexation of Epirus, Thessaly, and Crete to Greece.

The congress, having charged Mr. Waddington to examine the Greek claims and make a report thereon, decided, after hearing the French representative, to request Turkey to allow the rectification of the Greek frontier, and it recommended that such rectification should take the course of the Peneus River, in Thessaly, and the Kalama River, in Epirus. By



this arrangement the greater part of Thessaly and considerable part of Epirus will be annexed to the Greek territory.

There is another more recent item of news published in the *Ethnicon Pneuma*, the semi-official organ of the prime minister of Greece, to the effect that a committee has been formed of Turks and Greeks to proceed immediately to the work of settling the boundaries. The above-mentioned paper last night published also the following:

According to later intelligence the question of the concession to Greece of the already known territory of Thessaly and Epirus is definitively solved. It is also expected that the congress, before it declares its work ended, will decide as to Crete; but up to this moment we have no later information on this subject. There are, however, good reasons to entertain hopes touching the heroic and great martyr Crete.

According to a statement in the *Hora*, the territory to be annexed to Greece adds a population of 600,000, and a revenue of 17,000,000 of drachmas; that is to say, it will increase the population by one-third and the revenue by one-half.

This solution seems to satisfy the present expectations of the Greeks, although there will be, of course, a great deal of uneasiness until the decision of the congress is realized. The Department is respectfully requested to observe that the views which I have for a long time expressed in my dispatches are being fulfilled.

I have, &c.,

JOHN MEREDITH READ.

## HAWAIIAN ISLANDS.

No. 249.

*Mr. Comly to Mr. Evarts.*

No. 18.]

LEGATION OF THE UNITED STATES,

*Honolulu, December 28, 1877. (Received January 19, 1878.)*

SIR: Rear-Admiral Murray, commanding North Pacific squadron, arrived at this port with his flag-ship, the *Pensacola*, on Sunday, 23d December, after a stormy passage of twenty-one days from San Francisco. The *Pensacola* made the voyage under sail, not using her engines except to fire up during the gale and on entering the harbor. After a due interchange of official civilities, I called with the admiral and Captain Irwin upon all of His Majesty's ministers, the justices of the supreme court, and the governor of Oahu.

On the 27th these calls were returned on board with due observance. The commissioner for France was also received on board on the 26th, and raised a point of official etiquette on receiving a salute of eleven guns, whereas he claimed thirteen. After a great deal of correspondence the affair was finally settled by a duly attested copy of the new regulations of 1876, with reference to salutes.

Others have called or applied for escort, and the whole diplomatic and consular corps manifest a disposition to pay due honor to the United States flag.

The inclosed official account of the reception and audience at the Iolani Palace leaves nothing to be added by me, except that His Majesty did us the honor to send his state carriage for the admiral, Captain Irwin, and myself.

I am, &c.,

JAMES M. COMLY.

[Inclosure in No. 18.]

*Audience at Iolani Palace.*

An audience was granted by His Majesty yesterday, the 28th instant, to his excellency James M. Comly, American minister resident, who presented Rear-Admiral Murray and Capt. John Irwin, of the flag-ship *Pensacola*.

The admiral addressed His Majesty as follows:

"YOUR MAJESTY: I am especially directed by the proper authorities at Washington to pay this visit in the flag-ship to your dominions. It was very agreeable to me, as well as to my officers, to receive such instructions, as evincing a disposition on the part of the authorities of the United States to continue, and if possible bind more firmly, the kindly relations already existing between the two governments—a task very agreeable to us, and we hope acceptable to Your Majesty."

His Majesty replied as follows:

"ADMIRAL: It gives me pleasure to welcome you and your officers to this kingdom, and the more so that this visit with your flag-ship is made in pursuance of special orders from your government, evincing, in your courteous view, its disposition to continue, and if possible bind more closely the kindly relations which our countries have always sustained toward each other. I hope you will find your stay here a source of satisfaction to yourselves, in the enjoyment of our climate and social amenities, and that the discharge of your official functions will prove as agreeable to yourselves as I am confident that it will be acceptable to myself and government."

Captain Irwin then presented the following officers: W. C. Stamm, chief engineer U. S. N.; H. C. Nelson, surgeon U. S. N.; G. Cochran, fleet paymaster U. S. N.; R. W. Huntington, captain U. S. M. C.; fleet marine officer; Isaac I. Yates, lieutenant U. S. N.; R. P. Rodgers, lieutenant U. S. N.; W. J. Barnette, flag lieutenant; J. D. Adams, lieutenant U. S. N.; A. M. Guthrie, rear-admiral's secretary, U. S. N.; F. M. Bortwick, midshipman U. S. N.; Selim E. Woodworth, cadet midshipman U. S. N.; H. C. Wakenshaw, cadet midshipman U. S. N.; A. W. Grant, midshipman U. S. N.; H. H. Rogers, midshipman U. S. N.

The minister of foreign relations presented Judge Caton, of Illinois; William Renney Watson, Glasgow, Scotland; and F. P. Hastings, United States vice and deputy consul.

His Majesty was attended by the members of the cabinet, judges of the supreme court, members of the house of nobles and privy council, His Majesty's chamberlain, and the staff officers.

Some time was agreeably spent in general conversation, after which the minister resident and the other gentlemen took leave.

## No. 250.

*Mr. Comly to Mr. Evarts.*

No. 19.]

LEGATION OF THE UNITED STATES,

*Honolulu, December 28, 1877. (Received January 19, 1878.)*

SIR: The desire of the present head of the State Department that diplomatic and consular officers of the United States shall diligently watch the commercial and industrial interests of the country, and communicate any useful facts they may be able to gather bearing upon those interests, is a matter that cannot have escaped the knowledge of any representative of the United States abroad. The treaty of reciprocity between the United States and the Hawaiian Kingdom has established such intimate relations between the principals to that treaty as to specially emphasize the desire of the head of the State Department for a vigilant oversight of American interests.

In my dispatch No. 13, December 3, 1877, I have endeavored to set forth the reciprocal advantages of the treaty, and have presented statistics to show the increase of trade resulting from it.

I desire now to call the attention of the Department to the classes of American commerce, products, and manufactures which have an opportunity for profit from the treaty which has been neglected by some.

1. *The carrying trade* is so directly responsive to any increased demand that I need hardly do more than refer to it. The Pacific Mail Steamship Company has already so far recognized an increased demand as to double its service, by placing an intermediate steamer in this trade to ply alternately with the regular Australian line in giving the islands a fortnightly service instead of the monthly service lately allowed. This company, it is true, has a small subvention, and in consequence of a dispute between the company and the Hawaiian Government, the August steamer from San Francisco to Australia did not touch at Honolulu; but an agent of the company has since compromised the disputes by doubling the service.

In addition to this there is a large independent carrying trade done by schooners between San Francisco and the islands. The large indirect advantage which has resulted to the United States in the building and sale of vessels for Hawaiian owners is duly set forth in my dispatch above mentioned with its inclosures.

2. The advantages to the *commerce* of the United States need no special exhibit. The demands upon commerce are as direct and responsive as those upon the carrying trade. San Francisco will naturally reap the greater share of advantages from these demands, yet New York, Philadelphia, Boston, and other commercial centers have profited directly by the increase.

3. *The agricultural interest* has its point of contact through the commercial demand. The merchant who handles the products of agriculture is in most sensitive *rapport* with the centers of demand, and will respond promptly to the requisitions of the market. The agricultural producer in the United States has no more direct relations with the foreign purchaser of his products than the puddler of the founderies or the operative of the cotton factory. Hence our agricultural interests have been protected by the demands of commerce.

4. With the *manufacturing interest* it is different. The wood and iron manufacturers of such interior States as Ohio sell their wares direct to the consumers in almost every civilized country on the globe; so also of cotton manufacturers in the East, and others of all points. It is of supreme importance to all such to know that they have neglected opportunities of great value in the Hawaiian Islands. The impetus given to the sugar and rice trade by the reciprocity treaty has brought not only agents but principals from British manufactories to the islands to extend their trade by furnishing machinery for sugar and rice plantations; but I have yet to learn of one American agent or principal who has made his appearance here to take advantage of our benefits through the reciprocity treaty. Let it be remembered, also, that all kinds of business sympathize with the increased prosperity of the rice and sugar trade.

By the schedule of Article II of the treaty, the following, among other articles, are admitted from the United States free of duty: Agricultural implements, boots and shoes, nails and bolts, cotton and manufactures of cotton, bleached and unbleached, and whether or not colored, stained, painted, or printed; hardware, hoop-iron and rivets, nails, spikes and bolts, tacks, brads, or springs; iron and steel, and manufactures thereof; lumber and timber of all kinds, round, hewed, sawed, and manufactured in whole or in part; machinery of all kinds; engines and parts thereof; books and all manufactures of paper; petroleum and all oils; salt, soap, shooks, staves, and headings; wool and manufactures of wool other than ready-made clothing; wagons and carts; wood and manufactures of wood, or of wood and metal, except furniture, either upholstered or carved, and carriages; textile manufactures, made of a combination of

wool, cotton, silk, or linen, or of any two or more of them, other than when ready-made clothing; harness and all manufactures of leather; starch; and tobacco, whether in leaf or manufactured, &c.

I omit many articles of agriculture and commerce. Leaving out of the account many articles of which our manufacturers should have full knowledge from the treaty itself, I venture to say that our manufactures of *agricultural implements* and *machinery* are unexcelled in the world; and yet with an unprecedented demand for these articles, growing out of and favored by the reciprocity treaty, and with the advantages of freedom from tariff, superiority of products, and convenience of carriage, our manufacturers seem to have abandoned the field to British manufacturers, with a tariff to pay and the inconvenience and expense of thousands of miles of additional carriage.

5. *Ship-building* seems about the only trade that has fully occupied the field opened to American enterprise through the treaty. Since the treaty went into effect, twelve or fourteen vessels have been added to the Hawaiian merchant marine from American builders.

6. The Hawaiian sugar-crop is eagerly snapped up by *San Francisco refiners*, although most of the advantages resulting from the treaty in this respect remain with the planters or factors on the islands. The price of sugar in San Francisco is not affected by the treaty; the sugar-grower is simply relieved from contributing the amount of tariff for the United States Government. He keeps the money in his own pocket instead. The San Francisco refiner, on the other hand, for some reason incomprehensible to me, does not seem to create or demand a market here for the refined sugars he produces from the island growth. On the contrary, I am assured by Honolulu merchants in that trade that the island planter, after selling his sugar to a San Francisco refinery, takes of that very money and purchases for his own use German-refined sugar, or some other, according to the representations made to him.

7. *The Hawaiian rice-crop* is sold almost entire to the United States. The Hawaiians buy for home consumption, direct from China, Japan, or the East Indies, a cheap rice or paddy of inferior quality, but equally satisfactory to the Chinese plantation laborers, who are the chief consumers here. I state this simply as one of a series of facts offering no special opportunity to American interests.

I have, &c.,

JAMES M. COMLY.

---

No. 251.

*Mr. Comly to Mr. Evarts.*

No. 37.]

LEGATION OF THE UNITED STATES,  
Honolulu, May 1, 1878. (Received May 31.)

SIR: I have the honor to report that the Legislative Assembly of this kingdom was opened by the King in person at 12 m. on yesterday, in presence of the diplomatic and consular corps and a large number of others present by invitation. I inclose the King's speech. The English commissioner, Major Wodehouse, was not present, neither was his vice and acting consul-general. Major Wodehouse is reported sick. In view of the notice of the Hawaiian Government suspending the fourth article of the present treaty with Great Britain, to take effect next July 3d, the absence of the British officials provokes some comments. The French Government was strongly represented by Mr. Da-

loz (who arrived last week as French commissioner vice Ballieu transferred), and by his chancellor of legation, M. Pernet.

The King's speech refers heartily to his relations with the United States and the benefit of the reciprocity treaty to both countries.

I am, &c.,

JAMES M. COMLY.

[Inclosure in No. 37.]

*The King's speech, delivered at the opening of the Legislative Assembly, April 30, 1878.*

**NOBLES AND REPRESENTATIVES:** On the 10th day of April of last year it pleased Almighty God to take from me by death my beloved brother Prince William Pitt Leleiohoku, whose promise of future usefulness to the nation was thus early terminated. He had endeared himself to the people by his intelligent interest in their welfare, and had evinced traits of character which made him a wise counselor, befitting his position as heir-apparent.

I have appointed and caused to be proclaimed my beloved sister Lydia Kamakaeha Liliuokalani as heiress-apparent.

Our treaty of commercial reciprocity with the United States took effect September 9, 1876. Its operation indicates that it will be a source of mutual benefit, and that, as our productions increase with the market thus afforded for them, our importations, not only from the United States, but from other countries, will increase in like ratio.

The effect of this treaty upon certain articles of the British treaty having been called in question, I dispatched the Hon. H. A. P. Carter as my envoy extraordinary to Great Britain, to confer with the British Government.

Notice has been given, under the provision of Article XVII, of my desire to terminate Article IV of the British treaty, to take effect July 3d of the present year. Mr. Carter, who was also empowered to negotiate a treaty with Germany, has not yet returned from his mission.

The finances of the kingdom continue to be in a satisfactory condition. The report of my minister of finance will show a detailed account of receipts and expenditures.

The administration of justice remains able and impartial.

The health of my people is a subject constantly in my mind. The recommendation of the board of health to continue to enforce the measures heretofore adopted cannot safely be neglected. I request you to give this subject your earnest consideration.

The report of the board of immigration will show you that efforts have been made to obtain immigrants from India, the Western Islands, and Polynesia.

An electric telegraph has been established by private enterprise on Maui, which may, I hope, be extended by cable between the islands.

The opening of narrow-gauge railroads on Hawaii and Maui may be a subject well worthy of your attention.

It is desirable that frequent changes of the laws or the making of unnecessary new laws should be avoided; but upon this subject, as in all your deliberations, may you be guided by sound wisdom.

Nobles and representatives, I now declare the legislative assembly of the kingdom opened.

No. 252.

*Mr. Comly to Mr. Evarts.*

No. 43.]

LEGATION OF THE UNITED STATES,  
*Honolulu, July 8, 1878. (Received July 25.)*

SIR: Referring to former instructions from the Secretary of State, I have the honor to report further progress in the Hawaiian negotiations with other nations arising from the reciprocity treaty with the United States.

The Hawaiian envoy, Mr. Carter, after visiting England, France, and Germany, has returned. He was successful in Germany, and without decided result as to England. No report as to France. Germany concedes that that government has no right to claim like privileges with

the United States under a treaty which is based upon special reciprocal concessions for the mutual benefit of the two principals alone.

England has made no formal surrender of her claim to enjoy all the privileges of the reciprocity treaty under the parity clause of the Anglo-Hawaiian treaty, although she has made a proposition to abandon further proceedings without prejudice to existing rights, provided the Hawaiian Government will pledge itself not to lay a tariff of more than 10 per cent. ad valorem on any article of British product which is included in the free schedule of the reciprocity treaty for American goods.

This proposition, not being accepted by the Hawaiian envoy, was withdrawn. There is no doubt, however, that if legislative action can be brought to authorize it, this proposition will be renewed and accepted by the Hawaiian Government, and will end all difficulties. Whether such legislative action will happen is as difficult to predict as whether we shall have "rain o' Wednesday."

\* \* \* \* \*

The legislative committee on foreign relations was finally ordered to report on the whole subject without further delay. A minority report was made first. It is the work of Charles R. Bishop, chairman. He is an American by birth, a noble of this kingdom, and has held places of the highest trust. One native member of the committee signs with him. The majority report is said to have been written by Gibson, although not a member of the committee. It is signed by two natives and one half white.

The report of Henry A. P. Carter, the envoy in charge of the treaty business, was not handed in until after these reports were made. I inclose, also, one copy of it.

The envoy reports briefly and generally, giving results about as I have stated above.

The minority of the committee take substantially the same ground with that held by the United States with reference to the treaty rights of other nations growing out of the reciprocity treaty. The majority of the committee go further than Great Britain herself in claiming for that and other powers under the treaty. They report that "the Government of Hawaii has unquestionably violated the treaty between this country and Great Britain of the year 1851, and the violation has led to a question of our public safety, and has given rise to a state of interrupted good feeling between us and a nation which has always befriended us in the past."

The Hawaiian Government is accordingly gravely censured by the committee. Referring to the somewhat peremptory notification of Major Wodehouse, that "Her Majesty's Government cannot allow of British goods imported into the Sandwich Islands being subjected to treatment other than that which is accorded to similar goods of American origin," and the points of Lord Derby's letter, the majority of the committee concede that "these grounds of objection presented to our government are perfectly plain, and are such that we cannot well avoid them." And they ask that the Assembly approve the British claim and provide for the repayment of all tariffs "improperly" levied on British goods, thus ordering Great Britain to be placed on an equality as to favors with the United States, without any equivalent whatever. The majority also denounce the course of the Hawaiian executive chiefs as "in direct opposition to the maintaining of Hawaiian independence." And they attempt to show that Hawaii is a loser pecuniarily and otherwise by the reciprocity treaty with the United States. The whole tone of the report is unfriendly to the United States, while conceding more, even, than is now

claimed by Great Britain. Major Wodehouse, the British commissioner, has very frankly explained to me, in a private conversation to which I was invited by him, the present posture of his government in the affair, even going so far as to show me his personal instructions from Lord Derby. This he did, as he told me, by permission or direction from that minister. If I understand him correctly, the British Government will let the whole matter drop if British goods are admitted at a rate not to exceed 10 per cent. *ad valorem*, *i. e.*, a differential treatment of 10 per cent., as compared with American goods, admitted free. Lord Derby's proposition was to attach the United States free schedule to a stipulation that British goods of same should not be required to pay more than 10 per cent. *ad valorem*, and that the denunciation of articles 3, 4, 5, and 6 of the Anglo-Hawaiian treaty should be withdrawn. The denunciation was withdrawn as to all except the last clause of the third article, but the engagement as to the amount of tariff to be paid by British goods could be made only by legislative action.

Finding such influences at work, in and out of the Legislative Assembly, threatening the integrity of the reciprocity treaty, I addressed the Hawaiian minister of foreign affairs on that subject. A copy of my letter is made Inclosure No. 4, herewith, and I respectfully ask attention to it.

Meantime, the various assaults upon the ministry culminated in a sudden decision by the King to dismiss the whole of them.

In consequence of these changes my letter to the minister of foreign affairs passed over to the new ministry for consideration. I learned from a trustworthy source that the cabinet had already held a meeting for the discussion of the letter, when the new minister was excusing the delay in answering on the ground of occupation with other duties.

After several excuses of this sort I received the brief letter attached as Exhibit No. 5. I feel justified in claiming that this letter concedes my whole claim on behalf of the United States.

I am, &c.,

JAMES M. COMLY.

[Inclosure 1 in No. 43.]

*Report of the committee on foreign affairs to the Legislative Assembly.*

LEGISLATIVE ASSEMBLY,  
Honolulu, June 17, 1878.

HON. GODFREY RHODES,  
*President of the Legislative Assembly:*

The committee on foreign affairs, to whom was referred the resolutions of the honorable representatives Nawahi and Pilipo, offer the following report by two of the committee:

Representations made to the Government of Great Britain regarding the effect that the treaty of reciprocity with the United States would have upon British trade with these islands led to the following correspondence:

"HONOLULU, May 5, 1877.

"SIR: Her Majesty's Government have had under their consideration the amount of duty levied upon British produce imported into the Sandwich Islands and the probable effect upon British trade of the differential treatment to which such produce would be subjected under the provisions of the reciprocity treaty between the United States and the Sandwich Islands of the 30th of January, 1875.

"Her Majesty's Government find that a duty of 10 per cent. *ad valorem* is actually levied upon certain goods of British origin, and that, by an act of the Hawaiian legislature, dated the 27th of September, 1876, on and after the 9th of October next the duty will in some cases be raised to 25 per cent., while similar goods, the produce of the United States, will be admitted into the Sandwich Islands free of duty.

"I am now instructed by the Earl of Derby, Her Majesty's secretary of state for foreign affairs, to give, and I hereby do give, formal notice through your excellency to the Government of His Hawaiian Majesty that so long as Articles IV, V, and VI of the Anglo-Hawaiian treaty of the 10th July, 1851, continue in force, Her Majesty's Government cannot allow of British goods imported into the Sandwich Islands being subjected to treatment other than that which is accorded to similar goods of American origin.

"Her Majesty's Government, I may observe, are aware that it is open to the Hawaiian Government under Article XVII of the treaty of 1851, by giving twelve months' notice, to terminate the operation of Articles IV, V, and VI of that treaty, and thus free themselves from all treaty obligations, so far as Great Britain is concerned, in regard to the imposition of customs duties.

"Her Majesty's Government would, it is true, experience some difficulty in reconciling the adoption of such a course by the Hawaiian Government at the present moment with the spirit of the article above quoted, which gives as a reason for allowing the abrogation of Articles IV, V, and VI, that 'the two contracting parties may have the opportunity of treating and agreeing upon such other arrangements as may tend still further to the improvement of their mutual intercourse, and to the advancement of the interests of their respective subjects'; whereas the effect of now abrogating those articles would be to place British produce at a grave disadvantage as compared with that of the United States.

"Her Majesty's Government would, however, as has been already pointed out, not be prepared to deny that His Majesty's Government, in so doing, were acting within their strict treaty rights; but no notice has been given by the Hawaiian Government of their intention to terminate the articles in question, and Her Majesty's Government must therefore expect, as they are entitled to do by treaty, that all exemptions or privileges accorded to American produce imported into the Sandwich Islands shall be extended to the produce of Great Britain.

"I renew the assurance of the high respect and distinguished consideration with which I have the honor to be,

"Your excellency's most obedient, humble servant,

"JAMES H. WODEHOUSE."

"DEPARTMENT OF FOREIGN AFFAIRS,  
"Honolulu, May 21, 1877.

"SIR: I am instructed to reply to your note of the 5th instant, the receipt of which I had the honor to acknowledge on the 7th instant. Your note has had the careful consideration of His Majesty's Government. In it you inform me—

"First. That Her Majesty's Government had had under their consideration the amount of duty levied upon 'British produce' into these islands, and

"Second. The probable effect upon British trade, of the differential treatment to which such produce would be subjected under the provisions of the reciprocity treaty between the United States and this kingdom of 30th January, 1875.

"Third. You state the amount of duty which Her Majesty's Government find to be levied upon 'goods of British origin' by the tariff acts, while similar goods from the United States are admitted free of duty.

"Fourth. You are instructed to give notice that so long as articles IV, V, VI, of the Anglo-Hawaiian treaty remain in force, Her Majesty's Government cannot allow of British goods imported into these islands being subjected to treatment other than that accorded to similar goods of American origin.

"Fifth. You state that Her Majesty's Government is aware that it is open to this government, by giving twelve months' notice, to terminate the fourth, fifth, and sixth articles of the treaty of 1851, and thus free itself of all treaty obligations so far as Great Britain is concerned, in regard to the imposition of customs duties.

"Sixth. That Her Majesty's Government would have some difficulty in reconciling such abrogation at this time with the spirit of that article, as the effect of such abrogation would be to place British goods at a grave disadvantage, as compared with those of the United States, but that Her Majesty's Government would not be prepared to deny that this government, in so doing, were acting within their strict treaty rights; that, as no notice has been given of such abrogation by this government, Her Majesty's Government must expect, as they are entitled to do by treaty, that all 'exemptions or privileges' accorded to American produce shall be extended to the produce of Great Britain.

"To facilitate a reply, I have taken the liberty thus to summarize your note.

"Referring to the first and third points of this summary of your note, I have to say that the duties in this kingdom are levied upon certain goods or classes of goods, and not upon 'British produce' or 'goods of British origin.' This explanation I deem necessary to avoid a misunderstanding of the manner in which your proposition is stated, because a differential duty placed by our laws upon 'British produce' or 'goods of British origin,' as such, might be held to be a violation of existing treaty obligations.



"The fourth point of your note contains the notice alluded to, which, doubtless, is occasioned by the conclusion of Her Britannic Majesty's Government, as stated in the second point, viz, the differential treatment to which British produce would be subjected under the Reciprocity Treaty with the United States.

"His Majesty's Government are glad to be assured by you that this notice is not intended in any way as a menace or threat against this government in regard to the enforcement of its revenue laws. It is, however, a matter of regret to His Majesty's Government that you have not more clearly set forth the grounds upon which, under the Anglo-Hawaiian treaty of 1851, this notice is given, which, in the opinion of this government, is not warranted by the interpretation it gives that treaty.

"The Anglo-Hawaiian treaty of 1851 is a compact between the two governments, entirely reciprocal in its nature. The first article stipulates for perpetual friendship; the second, that 'there shall be between all the dominions of Her Britannic Majesty and the Hawaiian Islands a reciprocal freedom of commerce.' Article III, that any favor or immunity whatever in matters of commerce and navigation which either party may grant to citizens of any other state shall be extended gratuitously if the other concession shall have been gratuitous, or in return for a compensation as nearly as possible of proportionate value and effect, to be adjusted by mutual agreement, if the concession was conditional.

"This article clearly acknowledges the right of either party to make reciprocal conventions, and clearly lays down the doctrine of compensation, and the liability of either party to be held to compensate if they claim like privileges.

"Article IV stipulates: No other or higher duty shall be imposed on the importation into the dominions of either country of any article the growth, produce, or manufacture of the other, than are or shall be payable on the same article being the growth, &c., of any other country.

"This clearly shows the intention of both parties that their goods were to be admitted by each other on the same terms and for the same compensation as those of any other foreign country, or for considerations of proportionate value and effect. Though the fourth, fifth, and sixth articles treat of specific questions of import and export duties and charges, they are to be construed in connection with the spirit of the whole treaty, which nowhere enunciates the doctrine that Great Britain is to enjoy or claim any rights under it which other nations have stipulated for and purchased without herself giving equal compensation. Such a doctrine would be subversive of the principle of reciprocal freedom of commerce, announced in the second article as one of the leading principles of the treaty.

"The twelfth article declares that the diplomatic agents and consuls of her Britannic Majesty on the Hawaiian Islands shall enjoy whatever privileges, exemptions, and immunities are or may be granted there to the diplomatic agents and consuls of the same rank belonging to the most favored nation.

"No other article in the treaty claims for Great Britain equal privileges with other powers with the force and distinctness of this. The fourth article only alludes to duties imposed, no mention being made of exemptions given for consideration; but this article stipulates for 'whatever privileges, exemptions, and immunities are or may be granted,' &c.

"If any article could be construed to do violence to what this government has always held to be the spirit of this treaty, and claim such privileges or exemptions free of the obligation to give the same compensation as other nations, this could; and yet, when the question arose as to your rights as her Britannic Majesty's commissioner and consul-general under that article to enjoy the privileges enjoyed by the consul of France, you were informed in a dispatch of June 11, 1857, that Lord Stanley (present Earl Derby) had had under his consideration, and consulted the proper law officer of the Crown, and that Her Majesty's Government were not entitled to claim the peculiar privileges granted to the French consul by the twenty-first article of the French treaty. You were further advised that as that article was one of reciprocity, that unless Her Majesty's Government were *able and ready* to concede the same privileges they could not claim them.

"This accords with the Parliamentary utterances of that eminent statesman, especially when, in reply to a question regarding the admission of French goods to the disadvantage of British trade under the reciprocity treaty between Portugal and France, he said that inasmuch as that had been done in return for special concessions granted by the Government of France, &c., the Government of Great Britain had no right to protest or complain. It cannot be supposed that Her Britannic Majesty's Government intend at its convenience to attach one meaning to an article of the treaty on consular privileges, and a different meaning to a similar article on duties imposed, or that it makes a distinction between duties exempted for special concessions by Portugal to France, and similar exemptions for similar concessions by Hawaii to the United States of America.

"A case decided by the Supreme Court of the United States in the matter of *Oldfield vs. Marriott* (10 Howard, 146, U. S. Reports), was one where certain coffee was

imported in a Portuguese vessel. It was admitted that by the laws of the United States coffee imported in vessels of nations reciprocating the privilege, or in American vessels, was exempt from any discriminating duty. It was therefore claimed that this coffee was exempt under the treaty stipulation between Portugal and the United States that goods imported into the United States should pay no higher duties, whether such importation be in Portuguese vessels or in vessels of the United States. It was held that the law of the United States exempting the produce of reciprocating nations could not be held to apply to the produce of nations with whom there was no such reciprocity.

"If these views held by the law officers of the British Crown and the judges of the United States Supreme Court are correct, it follows that the expectation of Her Majesty's Government that exemptions and privileges accorded to American produce under the Reciprocity Treaty should be extended to British produce without compensation cannot be based upon the existing treaty, unless you are prepared to show, in the language of Lord Stanley on the claim for the privileges stipulated for in the twelfth article, that Great Britain is 'able' and 'ready' to concede the same compensation as that for which the exemption was made on the goods of the United States.

"Your note seems very properly to discriminate carefully between '*duties levied*' upon British goods and '*exemptions or privileges*' accorded to American goods; duties levied or imposed being by a voluntary legislative act without reference to the origin of goods and without limitation as to time and also subject to change in amount, while the exemption is based upon a treaty stipulation for a limited time, which cannot be changed without consent of the other party, and for a fixed consideration. Article IV stipulates in regard to such imposition of duty, but nowhere in the treaty are exemptions provided for, except specifically, as follows:

"In the second article, in regard to trading where the same exemptions enjoyed by native subjects is stipulated for; in the third article, regarding privileges and immunities of commerce and navigation; in the seventh article, where exemption from duty of goods to the value of \$200 is stipulated for British whaleships; in the tenth article, exemption from compulsory military service; in the twelfth article, regarding consuls; in the thirteenth article, regarding confiscation or seizure; the fifteenth, regarding the exemption of mail-packets from certain duties; in the sixteenth, regarding goods saved from a wreck, and in the only case before this where an exemption or privilege has been asked on the ground of its having been granted to another state or nation. The law officer of the British Crown has decided that before it could be claimed it must be compensated for as fully as compensated for by the other nation; and such a decision must seem to be correct; a contrary view would seem to imply that in the opinion of Her Britannic Majesty's Government the Government of the United States and the Government of His Hawaiian Majesty had no right to arrange for the liquidation of customs dues by mutual agreement and compensation without considering the arrangement to apply to nations who could not, in the nature of things, give a compensation of proportionate value and effect. It would imply that Her Britannic Majesty's Government base their expectation upon certain articles of the treaty of 1851, without reference to the spirit of the whole treaty, and its own decisions under articles equally binding, and to further expect to select and enjoy the advantages of one article of a treaty made between two other powers without regard to other articles of that same treaty.

"It has never been the desire of His Hawaiian Majesty's Government to terminate any of the articles of, or to relieve itself of any of the obligations of the Anglo-Hawaiian treaty of 1851. On the contrary it has always desired to maintain with strict integrity a treaty for which it had a strong traditional respect.

"His Majesty's Government cannot concede that the abrogation of the fourth, fifth, and sixth articles can change the aspects of the question now under consideration, or that any necessity exists for such abrogation to justify its present position.

"His Majesty's Government have, however, on former occasions given notice of their desire that these articles should terminate if the Government of Great Britain held to an interpretation of them which would give any validity to such a claim as is now put forward; and if that interpretation is insisted upon, it would seem to give all necessary force and effect to such conditional notice.

"This government has, however, under consideration the question of the necessity of such notice of termination, in view of your note of the 5th instant, and for the purposes provided in the seventeenth article.

"I desire to express the hope that Her Britannic Majesty's Government will carefully consider, in connection with the differential treatment of goods other than those of the United States under the reciprocity treaty, the great advantages which, under the operation of that treaty, will insure to British subjects and British trade in these islands, the importance of which advantages to these interests you, Mr. Commissioner, are fully aware. That its advantages, by stimulating importations of British goods and adding to the value of the trade and property of British subjects, will far more

than compensate for any differential effects upon British trade under its provisions, I think will be admitted.

"His Majesty, in seeking to negotiate that treaty, as you are aware, sought the advantage of all classes and nationalities in his kingdom; and in laying before your government the benefits shared by your countrymen, I cannot entertain a doubt that you will assure your government, as I am now instructed to assure you, that it is not the wish or policy of His Majesty's Government, either by legislation or by treaty stipulation, to discriminate against the interests of British trade or British subjects.

"In seeking the prosperity of the kingdom by means of a reciprocal convention with the United States, His Majesty's Government cannot consider that any British interests within the kingdom have been made to suffer.

"Remembering with pleasure the different occasions when you have labored to prevent any misunderstanding on the part of your government of the real desires and purposes of this government, I with the more confidence rely on your good offices in removing any wrong impression which Her Majesty's Government may have received of the effect of any action of His Majesty's Government upon the British interests in your charge, and that you may become more fully aware of the good intents and purposes of this government, and also that His Majesty's Government may more clearly understand the causes which led to your note, and the treaty obligations to which you refer, I am instructed to ask you, if consonant with your instructions, to confer with me on these points.

"It is the desire of His Majesty's Government, in all its relations with the great powers and their representatives at this court, to conduct those relations with frankness and impartiality, and on all subjects, where differences have or may arise, to arrive as soon as practicable at a clear understanding, confident that the honesty of its motives and sincerity of its desire to conform justly to all its obligations will become apparent under explanation, and confident also in the justice and magnanimity of the great powers, and in the sincerity of their desire to refrain from any act or demand encroaching in the slightest degree upon the independent sovereignty of His Majesty, in which all powers, especially the maritime powers, must be interested. Of that interest your government has given many proofs. Therefore, considering the long continuance of the kindly relations which have subsisted between the two governments, and the important effect of such relations upon the progress of this kingdom, the earnest desire of His Majesty to perpetuate them, and the undoubted reciprocation of Her Britannic Majesty's Government in such desire, I trust that Her Majesty's Government will reconsider the notice contained in your dispatch, and remove any necessity for the abrogation of any part of the subsisting treaty.

"I have the honor to be, sir, your most obedient servant,

"HENRY A. P. CARTER.

"Maj. JAMES H. WODEHOUSE,

*"Her Britannic Majesty's Commissioner and Consul-General."*

It would seem that at the moment Mr. Carter, who had but recently taken office, had not had his attention drawn to that most important letter, dated March 28, 1856, from William Miller, one of the negotiators of the Anglo-Hawaiian treaty of 1851, to R. C. Wyllie, the other negotiator of that treaty, the first and second paragraphs of which read as follows:

"Her Britannic Majesty's Government having received a copy of a convention, concluded on the 20th of July, 1855, between the Sandwich Islands and the United States, by which each party engages to admit into its territories, duty free, certain articles of produce of the territories of the other, I have been instructed by the Earl of Clarendon, Her Majesty's secretary of state for foreign affairs, to address myself to the Hawaiian Government, and to urge on them the following considerations, with a view to obtain for British commerce the same advantages which have been conceded to the United States by the before-mentioned convention.

"The fourth article of the treaty between Great Britain and the Sandwich Islands of the 10th of July, 1851, stipulates that no other or higher duties shall be charged on the importation into the Sandwich Islands of any article the growth, produce, or manufacture of the British dominions than are or shall be payable on the like articles the growth, produce, or manufacture of any other foreign country. If this were the only stipulation in the treaty bearing upon the subject, the claim of Great Britain to participate in the advantages conceded to the United States by the convention in question would be clear; but as the next preceding article of the treaty of 1851 contains a stipulation that any favor which either party may grant to a third country shall be extended to the other party on corresponding terms; that is, either gratuitously or for an equivalent compensation, as the case may be, and as the advantages conceded to the United States by the Sandwich Islands are expressly stated to be given in consideration of, and as an equivalent for, certain reciprocal concessions on the part of the United States, Great Britain cannot as a matter of right claim the same advantages for her trade under the strict letter of the treaty of 1851."

The conferences and correspondence between Mr. Wodehouse and Mr. Carter subsequent to the letter of May 21 were without any definite result, so far as the main question was concerned.

His Majesty, being anxious to maintain a perfect understanding between his government and that of Great Britain on all matters, and especially with regard to the interpretation of the existing treaty between them, and that the motives which influenced him in making the reciprocity treaty with the United States should not be misunderstood, appointed the Hon. H. A. P. Carter as his envoy extraordinary and minister plenipotentiary to proceed to London to confer with Her Majesty's Government, and, if possible, to agree upon such an interpretation or modification of Article IV of the treaty of 1851 as would satisfy both parties. He was also to assure Her Majesty's Government of the high respect and strong friendship of His Majesty and his people for the sovereign and people of Great Britain. Mr. Carter was further charged with the negotiation of a convention providing for the immigration of families of British East Indians into this country, to form a part of the permanent population of these islands.

His Majesty having confidence in the friendly disposition and fairmindedness of Maj. J. H. Wodehouse, Her Britannic Majesty's commissioner and consul-general—who had resided here a number of years, and was well aware of the importance to this country of the reciprocity treaty with the United States, and that in making it His Majesty's Government was not influenced by any unfriendly feeling toward Great Britain or any other country—invited him to accompany Mr. Carter to London, to which he assented, provided his government would give consent.

To guard against the effect of failure to agree in the interpretation of Article IV of the treaty of 1851, His Majesty's Government gave formal notice of the termination of Articles IV, V, and VI, as provided in Article XVII, and receipt of that notice was acknowledged on the 3d of July, 1877, by Lord Derby. It will be seen from Mr. Wodehouse's letter of May 5 that this course was anticipated.

His Majesty's envoy was kindly received by Her Majesty the Queen and by the government, but all of his efforts—which have been earnest and repeated—have been unsuccessful in persuading Her Majesty's secretary of state to accept the construction held by His Majesty's Government, and clearly set forth in the Miller-Wyllie letter of March 28, 1856, written by authority of Lord Clarendon, then secretary of state for foreign affairs.

Lord Derby appreciated the position of His Majesty's Government with regard to the treaty of reciprocity with the United States, and was satisfied that no unfriendly feeling existed toward Great Britain, but he declined to give any guaranty or promise that no claim would be made for return of duties on British goods imported previous to July 3, 1878.

Her Majesty's secretary of state represented to Mr. Carter that to terminate Articles V and VI and the latter part of Article IV was quite unnecessary, as they had no bearing upon the question, and requested the withdrawal of the notice so far as Articles V and VI were concerned; but at the time Mr. Carter declined to do so, because Article XVII does not say that one or two of those articles might be terminated without including the third, and he feared that by excepting either V or VI the notice might be defective as to Article IV, Mr. Wodehouse's letter of May 5 having also mentioned all three.

Mr. Carter declined, also, to promise that the tariff act of 1876, by which the duties on certain articles were raised to 25 per cent. ad valorem should be repealed, for the reason that the right and power to change the revenue laws rests with the legislative assembly; and after July 3, 1878, Great Britain will not question that legal right.

Mr. Carter could not admit that the Hawaiian Government had not the right to levy such duties on imports as might seem to be necessary.

When articles VIII, IX, X, XI, XII, XIII, and XIV of the treaty of 1857 with France were denounced in 1872 and terminated in 1873, the last of the treaty restrictions upon the authority of His Majesty's Government to regulate its own tariff were removed. They were the only articles in that treaty intended to apply to duties on imports.

Article VIII of the Franco-Hawaiian treaty of 1857 was substantially the same as article IV of the Anglo-Hawaiian treaty of 1851.

To admit free of duty the goods of Great Britain or any other country would be to violate the conditions of the treaty of reciprocity with the United States, under which the United States gives a valuable and adequate consideration as compensation for the exemptions agreed upon, and stipulates at the same time that "so long as this treaty remains in force" His Majesty's Government would not "make any treaty by which any other nation shall obtain the same privileges relative to the admission of any article free of duty hereby secured to the United States."

On the 2d of April last Mr. Wodehouse delivered to the minister of foreign affairs a "memorandum" in the following terms:

"Her Majesty's commissioner and consul-general has been instructed to state to his excellency H. A. Peirce, his Hawaiian Majesty's minister of foreign affairs,

"1. That Her Majesty's Government cannot admit the right of the Hawaiian Government to terminate the operations of the provisions of Article IV of the Anglo-Hawaiian treaty of 1851 until the expiration of the twelve months' notice which they have given. While it remains in force, Her Majesty's Government must require that it shall be faithfully observed, and consequently that duties improperly levied shall be repaid.

"2. Without further explanation to justify such a course, Her Majesty's Government must regard the abrogation of Articles V and VI of the treaty of 1851, when the only point in discussion is the first paragraph of Article IV, as an unnecessary and unfriendly act.

"3. Her Majesty's Government must regard as a specially unfriendly act the levying, when the treaty stipulation for most favored nation treatment in matters of tariff shall terminate, of any such differential rate of duty as 25 per cent. on British goods imported into the Hawaiian Islands."

To remove, as far as is consistent with national rights and independence, all cause of complaint and difference between the British and Hawaiian Governments, the latter has consented to the withdrawal of the notice to abrogate Articles V and VI of the treaty of 1851, with the understanding that Article IV is to terminate as before stated, as is shown by the following reply to the foregoing "memorandum," under date of April 3:

"In reply, I have the honor to say that on being informed by Mr. Carter that the Earl of Derby had suggested that it was unnecessary to terminate Articles V and VI, Mr. Carter was instructed that in case he had not finally withdrawn from his mission to England, he might agree that the notice of termination of Articles IV, V, and VI might be limited to Article IV, with the express condition and agreement that no claim should arise in respect of duties by reason of Articles V and VI. This modification of the notice to terminate Articles IV, V, and VI of the Anglo-Hawaiian treaty of July 10, 1851, may be regarded by you as now made by authority of this communication in case Mr. Carter may not already have so arranged.

"In reply to your statement contained in the first section of your dispatch, I beg to refer you to the letter of my predecessor, Mr. Carter, to yourself, of May 7, 1877, and also to the views of the Earl of Clarendon, conveyed by your predecessor, General Miller, in a note to this government of date March 26, 1856, as expressing the views of His Majesty's Government.

"In regard to the statement in the third section of your dispatch, I have the honor to state that His Majesty's Government enact revenue laws with no unfriendly intent, but solely with reference to the interests of the Hawaiian Islands, and also that it is the desire of His Majesty's Government to levy no higher duties than seem to be essential to such interests.

"I am not as yet informed of the completion of Mr. Carter's mission to England, undertaken by him with the earnest hope that he might succeed in coming to a harmonious view with Her Majesty's Government concerning the interpretation of Article IV of the Anglo-Hawaiian Treaty.

"Until receipt of such information I presume that all matters included within his mission will receive attention in London, and, therefore, with the exception of the above-mentioned withdrawal of notice to terminate Articles V and VI of said treaty, I will, if you please, defer further discussion of such matters.

"With the highest respect, &c.,

"HENRY A. PEIRCE."

The annual statements published by the collector-general of customs for the years 1874, 1875, 1876, and 1877, showing the value of "goods paying duty," and of "spirits bonded" from Great Britain, Australia, and New Zealand, and British Columbia (from which your committee have made the following tables), prove that there has been an increase in the trade of Great Britain and her colonies with this country since the reciprocity treaty went into effect; and there is no doubt that, with a continuance of prosperity in these islands, trade, not alone with the United States, but with Great Britain, France, Germany, and other countries also, will increase in the future.

*Goods paying duty.*

	1874.	1875.	1876.	1877.
From Great Britain .....	\$82, 776	\$132, 538	\$60, 550	\$249, 680
From Australia and New Zealand .....	27, 623	21, 353	37, 930	54, 046
From British Columbia .....	7, 066	.....	14, 926	4, 872
Total .....	117, 465	153, 891	112, 406	308, 598

*Spirits bonded.*

	1874.	1875.	1876.	1877.
From Great Britain.....	\$10, 403	\$48, 384	\$22, 800	\$41, 825
From Australia and New Zealand.....	17, 020	17, 299	5, 589	22, 501
From British Columbia.....	2, 770	.....	861	.....
Total.....	30, 193	65, 683	29, 250	64, 416

The amount collected from October 11, 1877, to March 31, 1878, under the 25 per cent. import duty act, is stated in the report of the minister of finance at \$20,033, to wit:

On goods from the United States.....	\$9, 627 28
On goods from Great Britain.....	4, 897 48
On goods from Germany.....	3, 041 44
On goods from China.....	2, 276 29
On goods from France.....	190 51
Total.....	20, 033 00

In the first instance, duties are paid by merchants or other individuals, and not by or for account of any government; and as in trade the duty is added to the cost of the goods, the duties are finally paid, to a very large extent, by the consumer of the goods.

The British Government has presented no claim, made no demand or threat, and, being a law-respecting government, your committee feel warranted in saying that, should any claim be presented for return of duties paid, it will have to be done by individuals, and such claims will be adjudicated by the courts of the country according to law.

The advantages of the treaty of reciprocity with the United States are not confined to the citizens of that country; but Her Britannic Majesty's subjects, and the subjects of His Majesty the King who are of British origin, living in this country or doing business here, all share in those advantages just as completely as do Americans or Hawaiians; and any interruption of the present political or commercial relations of this country with other countries, and especially with the United States, would be damaging to British trade with these islands, as well as to the interests of British subjects residing here.

Great Britain is a great commercial nation, having treaties with many countries, and no doubt her officials carefully avoid, in their transactions with the small powers as well as with the great powers, acts or concessions which might form inconvenient precedents in more important cases.

Between Her Britannic Majesty's officials and His Majesty's Government there is a difference of opinion upon the construction of Article IV of the treaty of 1851, and, since the former adhere to their opinion, the latter could not do less than to denounce that article, as they had a perfect right to do, and, by so doing, there is no interruption of friendly relations or sentiments between the two countries.

Regarding the immigration of East Indians, your committee have nothing very encouraging to report.

The British Government are favorably disposed toward the plans of His Majesty's Government, as explained by Mr. Carter to Lord Salisbury, and would aid in making arrangements in India; but it would first be necessary to go to India to make a convention with the authorities there; and Mr. Carter was given to understand that there would be many difficulties to overcome.

Mr. Carter had interviews with gentlemen who have had experience in India and with Indian emigration, and was informed that the magistrates and other local authorities in India insist very strongly upon the observance of technicalities, so strictly that the agents of the French and Dutch colonies (which have treaties with the Indian Government) have been very much discouraged. Frequent and often causeless investigations on behalf of the immigrants in foreign countries, to which they have gone, by agents of the Indian Government, are great annoyances, and the same might be insisted upon here.

Agents for the colonies mentioned have found it difficult to get the proportion of females desired. It is usually required that the return of the people shall be provided for, though they may not, and many of them do not, avail themselves of the right to return. In some contracts they have had their choice between a return passage and a sum of money about equal to the cost of such a passage.

India being distant from these islands, the expense of bringing passengers so far

would be heavy; and it is stated that on long voyages the percentage of mortality of Indians is much larger than with Chinese.

There seems to be but little doubt but that a persistent effort and large expenditure of money would secure the introduction of male and female East Indians into this country, a part of whom would remain permanently from choice; but whether or not the expense and difficulties attendant upon such an immigration would not more than counterbalance the gain, is a question which your committee cannot answer.

The letter from which the foregoing is mainly gathered is addressed to the president of the board of immigration, and dated September 11, 1877.

In a private letter, dated December 19, Mr. Carter wrote: "Since I have learned what I did in regard to India, I have practically abandoned that."

It is known to some members of your committee that Mr. Carter was very hopeful of securing the emigration of a considerable number of East Indians to these islands, and was quite sanguine of success; and they now infer that the information acquired by him in London must have been of a very discouraging nature.

His Majesty's envoy was not instructed to go to India, and has not had time to go there if he had proposed doing so.

Respectfully submitted.

CHARLES R. BISHOP.  
J. KUPAU.

[Inclosure 2 in No. 43.]

*Report of the committee on foreign relations to the legislature of 1878.*

To the Hon. G. RHODES,

*President of the Legislative Assembly:*

The undersigned members of the committee on foreign relations respectfully beg to present the following report:

In accordance with the requirements of this house upon certain resolutions presented by the Hons. J. Nawahi, of Hilo, and G. W. Pilipo, of North Kona, the undersigned have the honor of placing before you all of the information asked for by those resolutions.

The undersigned beg leave to say that they have carefully examined all of the correspondence relating to the matters in dispute between our government and the Government of Great Britain, which have originated in the operation of atreaty of reciprocity made between the Hawaiian Government and the Government of the United States of America.

Owing to our action in this matter our government is now at issue with a power opposed to us; we may, however, be justified, or Her Britannic Majesty's Government may have the right of the question.

In view of the preceding, your committee would respectfully ask the indulgence of this honorable assembly to refer to the civil code and read articles 4, 5, and 6 of the Anglo-Hawaiian treaty of 1851.

The steps taken by His Majesty's several ministers of 1874, 1876, and 1878 have apparently all aimed at one object, and the ministerial policy has been to indorse the action which has led us into these difficulties, so as to cause Hawaii to be threatened with coercion, and our relations with a friendly power to be disturbed.

It is very evident to be seen that the supreme judges have also indorsed the action taken by the ministry in this matter, as, in all difficulties arising out of any question. His Majesty with his ministers would, without a doubt, consult the judicial authorities of the country as to their opinion concerning such difficulty.

In order that we may all see the true bearing of this matter, your committee beg to present several important letters which they have selected, and which they consider necessary for this assembly to understand in order that we may avoid the difficulties that beset us in being placed between two fires.

The first is a letter from Commissioner and Consul-General Major Wodehouse, addressed to our minister of foreign affairs, and secondly, the answer of our minister of foreign affairs, H. A. P. Carter, to Major Wodehouse.

EXHIBIT A.

HONOLULU, May 5, 1877.

SIR: Her Majesty's Government have had under their consideration the amount of duty levied upon British produce imported into the Sandwich Islands, and the probable effect upon British trade of the differential treatment to which such produce would be subjected under the provisions of the reciprocity treaty between the United States and the Sandwich Islands, of the 30th of January, 1875.

Her Majesty's Government find that a duty of 10 per cent. ad valorem is actually

levied upon certain goods of British origin, and that by an act of the Hawaiian legislature dated the 27th of September, 1876, on and after the 9th of October next the duty will in some cases be raised to 25 per cent., while similar goods, the produce of the United States, will be admitted into the Sandwich Islands free of duty.

I am now instructed by the Earl of Derby, Her Majesty's secretary of state for foreign affairs, to give, and I hereby do give, formal notice, through your excellency, to the Government of His Hawaiian Majesty that so long as Articles IV, V, and VI of the Anglo-Hawaiian treaty of the 10th of July, 1851, continue in force Her Majesty's Government cannot allow of British goods imported into the Sandwich Islands being subjected to treatment other than that which is accorded to similar goods of American origin.

Her Majesty's Government, I may observe, are aware that it is open to the Hawaiian Government, under Article XVI of the treaty of 1851, by giving twelve months' notice, to terminate the operation of Articles IV, V, and VI of that treaty, and thus free themselves from all treaty obligations, so far as Great Britain is concerned, in regard to the imposition of customs duties.

Her Majesty's Government would, it is true, experience some difficulty in reconciling the adoption of such a course by the Hawaiian Government, at the present moment, with the spirit of the article above quoted, which gives as a reason for allowing the abrogation of Articles IV, V, and VI, that "the two contracting parties may have the opportunity of treating and agreeing upon such other arrangements as may tend still further to the improvement of their mutual intercourse, and to the advancement of the interest of their respective subjects;" whereas the effect of now abrogating those articles would be to place British produce at a grave disadvantage as compared with that of the United States.

Her Majesty's Government would, however, as has been already pointed out, not be prepared to deny that His Hawaiian Majesty's Government, in so doing, were acting within their strict treaty rights; but no notice has been given by the Hawaiian Government of their intention to terminate the articles in question; and Her Majesty's government must therefore expect, as they are entitled to do by treaty, that all exemptions or privileges accorded to American produce imported into the Sandwich Islands shall be extended to the produce of Great Britain.

I renew the assurance of the high respect and distinguished consideration with which I have the honor to be,

Your excellency's most obedient, humble servant,

JAMES H. WODEHOUSE.

His Excellency H. A. P. CARTER,

*His Hawaiian Majesty's Minister for Foreign Affairs, Foreign Office.*

#### EXHIBIT B.

DEPARTMENT OF FOREIGN AFFAIRS,  
*Honolulu, May 21, 1877.*

Sir: I am instructed to reply to your note of the 5th instant, the receipt of which I had the honor to acknowledge on the 7th instant. Your note has had the careful consideration of His Majesty's Government. In it you inform me—

First. That Her Majesty's Government had had under their consideration the amount of duty levied upon "British produce" into these islands, and—

Second. The probable effect upon British trade of the differential treatment to which such produce would be subjected under the provisions of the reciprocity treaty between the United States and this Kingdom, of 30th January, 1875.

Third. You state the amount of duty which Her Majesty's Government find to be levied upon "goods of British origin" by the tariff acts, while similar goods from the United States are admitted free of duty.

Fourth. You are instructed to give notice that so long as Articles IV, V, VI of the Anglo-Hawaiian treaty remain in force, Her Majesty's Government cannot allow of British goods imported into these islands being subjected to treatment other than that accorded to similar goods of American origin.

Fifth. You state that Her Majesty's Government is aware that it is open to this government, by giving twelve months' notice, to terminate the fourth, fifth, and sixth articles of the treaty of 1851, and thus free itself of all treaty obligations, so far as Great Britain is concerned, in regard to the imposition of customs duties.

Sixth. That Her Majesty's Government would have some difficulty in reconciling such abrogation at this time with the spirit of that article, as the effect of such abrogation would be to place British goods at a grave disadvantage as compared with those of the United States, but that Her Majesty's Government would not be prepared to deny that this government in so doing were acting within their strict treaty rights;



that, as no notice has been given of such abrogation by this government, Her Majesty's Government must expect, as they are entitled to do by treaty, that all "exemptions or privileges" accorded to American produce shall be extended to the produce of Great Britain.

To facilitate a reply, I have taken the liberty thus to summarize your note.

Referring to the first and third points of this summary of your note, I have to say that the duties in this kingdom are levied upon certain goods or classes of goods, and not upon "British produce" or "goods of British origin." This explanation I deem necessary to avoid a misunderstanding of the manner in which your proposition is stated, because a differential duty placed by our laws upon "British produce" or "goods of British origin," as such, might be held to be a violation of existing treaty obligations.

The fourth point of your note contains the notice alluded to, which doubtless is occasioned by the conclusion of Her Britannic Majesty's Government, as stated in the second point, viz, the differential treatment to which British produce would be subjected under the reciprocity treaty with the United States.

His Majesty's Government are glad to be assured by you that this notice is not intended in any way as a menace or threat against this government in regard to the enforcement of its revenue laws. It is, however, a matter of regret to His Majesty's Government that you have not more clearly set forth the grounds upon which, under the Anglo-Hawaiian treaty of 1851, this notice is given, which, in the opinion of this government, is not warranted by the interpretation it gives that treaty.

The Anglo-Hawaiian treaty of 1851 is a compact between the two governments, entirely reciprocal in its nature. The first article stipulates for perpetual friendship. The second, that "there shall be between all the dominions of her Britannic Majesty and the Hawaiian Islands a reciprocal freedom of commerce." Article III, that any favor or immunity whatever in matters of commerce and navigation which either party may grant to citizens of any other state shall be extended gratuitously if the other concession shall have been gratuitous, or in return for a compensation as nearly as possible of proportionate value and effect, to be adjusted, by mutual agreement if the concession was conditional.

This article clearly acknowledges the right of either party to make reciprocal conventions, and clearly lays down the doctrine of compensation and the liability of either party to be held to compensate if they claim like privileges.

Article IV stipulates: "No other or higher duty shall be imposed on the importation into the dominions of either country of any article the growth, produce, or manufacture of the other, than are or shall be payable on the same article being the growth, &c., of any other country."

This clearly shows the intention of both parties that their goods were to be admitted by each other on the same terms and for the same compensation as those of any other foreign country, or for considerations of proportionate value and effect. Though the fourth, fifth, and sixth articles treat of specific questions of import and export duties and charges, they are to be construed in connection with the spirit of the whole treaty, which nowhere enunciates the doctrine that Great Britain is to enjoy or claim any rights under it which other nations have stipulated for and purchased without herself giving equal compensation. Such a doctrine would be subversive of the principle of reciprocal freedom of commerce, announced in the second article as one of the leading principles of the treaty.

The twelfth article declares that the diplomatic agents and consuls of Her Britannic Majesty on the Hawaiian Islands shall enjoy whatever privileges, exemptions, and immunities are or may be granted there to the diplomatic agents and consuls of the same rank belonging to the most favored nation.

No other article in the treaty claims for Great Britain equal privileges with other powers with the force and distinctness of this. The fourth article only alludes to duties imposed, no mention being made of exemptions given for consideration; but this article stipulates for "*whatever* privileges, exemptions, and immunities are or may be granted," &c.

If any article could be construed to do violence to what this government has always held to be the spirit of this treaty, and claim such privileges or exemptions free of the obligation to give the same compensation as other nations, this could; and yet, when the question arose as to your rights as Her Britannic Majesty's commissioner and consul-general under that article to enjoy the privileges enjoyed by the consul of France, you were informed, in a dispatch of June 11, 1867, that Lord Stanley (present Earl Derby) had had under his consideration and consulted the proper law officer of the Crown, and that Her Majesty's Government were not entitled to claim the peculiar privileges granted to the French consul by the twenty-first article of the French treaty. You were further advised that, as that article was one of reciprocity, that unless Her Majesty's Government were *able* and *ready* to concede the same privileges, they could not claim them.

This accords with the parliamentary utterances of that eminent statesman, especially

when, in reply to a question regarding the admission of French goods to the disadvantage of British trade under the reciprocity treaty between Portugal and France, he said that inasmuch as that had been done in return for special concessions granted by the Government of France, &c., the Government of Great Britain had no right to protest or complain. It cannot be supposed that Her Britannic Majesty's Government intend at its convenience to attach one meaning to an article of the treaty on consular privileges, and a different meaning to a similar article on duties imposed, or that it makes a distinction between duties exempted for special concessions by Portugal to France and similar exemptions for similar concessions by Hawaii to the United States of America.

A case decided by the Supreme Court of the United States in the matter of *Oldfield vs. Marriott* (10 Howard, 146 U. S. Reports) was one where certain coffee was imported in a Portuguese vessel. It was admitted that, by the laws of the United States, coffee imported in vessels of nations reciprocating the privilege, or in American vessels, was exempt from any discriminating duty. It was therefore claimed that this coffee was exempt under the treaty stipulation between Portugal and the United States, that goods imported into the United States should pay no higher duties, whether such importation be in Portuguese vessels or in vessels of the United States. It was held that the law of the United States exempting the produce of reciprocating nations could not be held to apply to the produce of nations with whom there was no such reciprocity.

If these views held by the law officers of the British Crown and the judges of the United States Supreme Court are correct, it follows that the expectation of Her Majesty's Government that exemptions and privileges accorded to American produce under the reciprocity treaty should be extended to British produce without compensation cannot be based upon the existing treaty, unless you are prepared to show, in the language of Lord Stanley on the claim for the privileges stipulated for in the twelfth article, that Great Britain is "able" and "ready" to concede the same compensation as that for which the exemption was made on the goods of the United States.

Your note seems very properly to discriminate carefully between "duties levied" upon British goods and "exemptions or privileges" accorded to American goods.

Duties levied or imposed being by a voluntary legislative act, without reference to the origin of goods, and without limitation as to time, and also subject to change in amount, while the exemption is based upon a treaty stipulation for a limited time, which cannot be changed without consent of the other party, and for a fixed consideration. Article IV stipulates in regard to such imposition of duty, but nowhere in the treaty are exemptions provided for, except specifically as follows:

In the second article, in regard to trading, where the same exemption enjoyed by native subjects is stipulated for.

In the third article, regarding privileges and immunities of commerce and navigation. In the seventh article, where exemption from duty of goods to the value of \$200 is stipulated for British whale-ships. In the tenth article, exemption from compulsory military service. In the twelfth article, regarding consuls. In the thirteenth article, regarding confiscation or seizure. The fifteenth, regarding the exemption of mail packets from certain duties. In the sixteenth, regarding goods saved from a wreck, and in the only case before this where an exemption or privilege has been asked on the ground of its having been granted to another state or nation. The law officer of the British Crown has decided that before it could be claimed it must be compensated for as fully as compensated for by the other nation, and such a decision must seem to be correct; a contrary view would seem to imply that, in the opinion of Her Britannic Majesty's Government, the Government of the United States and the Government of His Hawaiian Majesty had no right to arrange for the liquidation of customs-dues by mutual agreement and compensation without considering the arrangement to apply to nations who could not, in the nature of things, give a compensation of proportionate value and effect. It would imply that Her Britannic Majesty's Government base their expectation upon certain articles of the treaty of 1851, without reference to the spirit of the whole treaty and its own decisions under articles equally binding, and to further expect to select and enjoy the advantages of one article of a treaty made between two other powers without regard to other articles of that same treaty.

It has never been the desire of His Hawaiian Majesty's Government to terminate any of the articles of, or to relieve itself of any of the obligations of the Anglo-Hawaiian treaty of 1851. On the contrary, it has always desired to maintain with strict integrity a treaty for which it has had a strong traditional respect.

His Majesty's Government cannot concede that the abrogation of the fourth, fifth, and sixth articles can change the aspects of the question now under consideration, or that any necessity exists for such abrogation to justify its present position.

His Majesty's Government have, however, on former occasions given notice of their desire that these articles should terminate if the Government of Great Britain held to an interpretation of them which would give any validity to such a claim as is now put forward; and if that interpretation is insisted upon, it would seem to give all necessary force and effect to such conditional notice.

This government has, however, under consideration the question of the necessity of such notice of termination, in view of your note of the 5th instant, and for the purposes provided in the seventeenth article.

I desire to express the hope that Her Britannic Majesty's Government will carefully consider, in connection with the differential treatment of goods other than those of the United States under the reciprocity treaty, the great advantages which, under the operations of that treaty, will insure to British subjects and British trade in these islands; the importance of which advantages to these interests you, Mr. Commissioner, are fully aware. That its advantages, by stimulating importations of British goods and adding to the value of the trade and property of British subjects, will far more than compensate for any differential effects upon British trade under its provisions, I think will be admitted.

His Majesty, in seeking to negotiate that treaty, as you are aware, sought the advantage of all classes and nationalities in his kingdom; and in laying before your government the benefits shared by your countrymen, I cannot entertain a doubt that you will assure your government, as I am now instructed to assure you, that it is not the wish or policy of His Majesty's Government, either by legislation or by treaty stipulation, to discriminate against the interests of British trade or British subjects.

In seeking the prosperity of the kingdom by means of a reciprocal convention with the United States, His Majesty's Government cannot consider that any British interests within the kingdom have been made to suffer.

Remembering with pleasure the different occasions when you have labored to prevent any misunderstanding on the part of your government of the real desires and purposes of this government, I with the more confidence rely on your good offices in removing any wrong impression which Her Majesty's Government may have received of the effect of any action of His Majesty's Government upon the British interests in your charge, and that you may become more fully aware of the good intents and purposes of this government, and also that His Majesty's Government may more clearly understand the causes which led to your note, and the treaty obligations to which you refer, I am instructed to ask you, if consonant with your instructions, to confer with me on these points.

It is the desire of His Majesty's Government, in all its relations with the great powers and their representatives at this court, to conduce those relations with frankness and impartiality, and on all subjects where differences have or may arise, to arrive as soon as practicable at a clear understanding, confident that the honesty of its motives and sincerity of its desire to conform justly to all its obligations will become apparent under explanation, and confident also in the justice and magnanimity of the great powers and in the sincerity of their desire to refrain from any act or demand encroaching in the slightest degree upon the independent sovereignty of His Majesty, in which all powers, especially the maritime powers, must be interested. Of that interest, your government has given many proofs. Therefore, considering the long continuance of the kindly relations which have subsisted between the two governments, and the important effect of such relations upon the progress of this kingdom, the earnest desire of His Majesty to perpetuate them, and the undoubted reciprocation of Her Britannic Majesty's Government in such desire, I trust that Her Majesty's Government will reconsider the notice contained in your dispatch, and remove any necessity for the abrogation of any part of the subsisting treaty.

Renewing the assurances of the highest respect and most distinguished consideration,

I have the honor to be, sir, your most obedient servant,

HENRY A. P. CARTER.

Maj. JAMES H. WODEHOUSE,

*Her Britannic Majesty's Commissioner and Consul-General.*

---

EXHIBIT C.

LONDON, October 13, 1877.

To His Majesty KALAKAUA:

SIRE: I am constantly regretting the delays in my mission here, which are partly owing to the season, as every one who can get away are out of town; but a good deal of delay arises out of inherent difficulties of the question between the two governments. We thought we had reached a ready solution in the withdrawal of the fourth article of the British treaty, by mutual consent on my agreement not to raise duties on certain articles above ten per cent., but when we came to discuss the wording I insisted on the expression that the article should not be invoked in favor of any drawbacks or free entry of British goods in the past, and told them that we did not propose to pay back any of the duties which had been paid under protest, and that if that point could not be covered I would make no promises for the future, as if we were ever to be asked

to refund we should refuse, and if compelled so to do, we should use our undoubted right after the expiration of the year's notice to put such a tariff on British goods as would make them repay us tenfold. They said they would make no claims, but they could not tell but that British importers might make such claims. I told them if they agreed to my wording we would take care of the British importer; but then the question came up as to whether if they made any agreement whereby the importer was barred in our courts, he would not have a right to come upon them and said it would be *ex post facto*; so that matter had to go to the law officers, and they have not yet answered. I fear you may think I have not pushed matters fast enough, but as they feel we have done wrong, but some of them are willing to try and condone it, I should by too much haste only strengthen those who would like to say that we must carry out their view of the treaty or they would make us, and if we denounced the articles they would break off diplomatic intercourse with us. As to other nations, I am confident it is useless for me to try and do anything till the question is finally settled here, but as soon as I am sure of a settlement I shall push matters with them.

I wrote before that similar questions were under discussion with other governments, and I inclose some extracts from a speech of Sir Stafford Northcote, the chancellor of the exchequer, which will show you how important they deem these questions.

I can do nothing at the India office until the foreign office decide these matters. I have not given an order for a picture of Cook, hoping really when I get things settled to get the British Government to give us one.

The weather is getting cold, and I fear I shall be in Germany at a very unpleasant time of the year; but I hope to be able to push matters faster there after settling here. Trusting Your Majesty and the Queen and all the royal family are well and happy,

I am, sire, your humble servant,

H. A. P. CARTER.

#### EXHIBIT D.

HONOLULU, November 30, 1877.

SIR: Your official dispatch of October 18 has arrived, as also one to His Majesty of October 13, receipt of which he commands me to acknowledge.

That delay and procrastination in reaching a conclusion to your negotiations should happen is, of course, unavoidable; and as this state of affairs arises not out of your free will, I can only counsel you to patience, and assure you that we confidently rely upon your judgment and discretion.

Mr. Lester, you say, a day or two since, handed you, unofficially, a draught of a proposed declaration which was not worded to your satisfaction, but that Mr. Kennedy had afterward intimated that a declaration worded to your satisfaction would be accepted, your wording to be, "That so long as we do not raise the duties on the schedule, as arranged at Honolulu with Mr. Wodehouse, over 10 per cent., Article IV shall be *inoperative*, and not invoked in favor of British goods." You also say, "That if this wording be accepted, you will sign the declaration and withdraw our denunciation of July 3, 1877, of the article."

This statement does not include the idea that no reclamations for the past shall be pressed upon us; but your statement in His Majesty's letter that "The article should not be invoked in favor of any drawbacks or free entries of British goods in the past" covers the point, and assures me that you are not overlooking an important feature of our case.

You say further on that the British secretaries have raised the objection that if they agree to your wording of the declaration, which will bar out from our courts the claims of British merchants for drawbacks, the British Government will make itself thereby liable for these drawback claims, and that this question has been referred to the law officers of the Crown, who had not at the date of your letter given in their opinion.

It is not necessary here for me to enlarge upon the views forwarded to you by my last dispatch; you will be in possession of it before this reaches you; and I am glad by your letter, public and private, received by last mail, to find that your views as to the management of your mission are in accord with that dispatch.

It appears to me almost certain that you will fail of obtaining a satisfactory declaration, and will be obliged to withdraw, letting our denunciation run to its termination. Without advising you to hurry, or to abruptly close your negotiation, it will be advisable for you to withdraw so soon as sufficient time has been allowed to dispose of our matters deliberately, after the return of Lord Derby.

In the matter of interpretation of the fourth article, in which the British foreign office appears now to differ so widely from our interpretation, I beg to call your attention to inclosure herewith marked H. It contains letter of General Miller, under date

of Honolulu, March 28, 1856, to Mr. Wyllie, our foreign minister, communicating the instructions of the Earl of Clarendon to General Miller upon the subject of a reciprocity treaty and its relation to the favored-nation clause of the treaty of 1851.

"The fourth article of the treaty between Great Britain and the Sandwich Islands, of the 10th of July, 1851, stipulates that no other or higher duties shall be charged on the importation into the Sandwich Islands of any article the growth, produce, or manufacture of the British dominions than are or shall be payable on the like articles the growth, produce, or manufacture of any other foreign country. If this were the only stipulation in the treaty bearing upon the subject, the claim of Great Britain to participate in the advantages conceded to the United States by the convention in question would be clear; but as the next preceding article of the treaty of 1851 contains a stipulation that any favor which either party may grant to a third country shall be extended to the other party on corresponding terms; that is, either gratuitously or for an equivalent compensation, as the case may be; and as the advantages conceded to the United States by the Sandwich Islands are expressly stated to be given in consideration of and as an equivalent for certain reciprocal concessions on the part of the United States, Great Britain cannot, as a matter of right, claim the same advantages for her trade under the strict letter of the treaty of 1851."

You will observe in the extract that Lord Clarendon admits our interpretation fully, and that England, under the fourth article, cannot claim similar treatment.

Judge Allen writes to me that he has forwarded to you this letter of General Miller; but lest he may have failed to do so, I have sent copy forward.

This declaration of the British foreign office ought to be conclusive as to the interpretation of the fourth article; but if not so viewed now, ought to be conclusive upon allowing your "declaration," with complete bar to past damages.

Your further efforts must be determined by the opinion of the law officers of the Crown. If they shall give their opinion that the legal rights of Great Britain under the fourth article cannot be waived without rendering their government liable to suits for recovery by their own subjects, you will have to depend upon our denunciation as our only ground of solution.

Mr. Allen has been instructed to go on with the Portuguese treaty. At last report he advised me that as soon as the Portuguese minister returned to Washington, negotiations would at once be commenced.

Your information regarding withdrawal from postal union has been noted with interest.

With highest respect and consideration, I have the honor to be, sir, your most obedient servant,

J. MOTT SMITH,  
*Minister of Foreign Affairs ad interim.*

HON. HENRY A. P. CARTER.

#### EXHIBIT E.

[Extract of letter from Lord Derby to Major J. H. Wodehouse.]

I will proceed to make known to you the views of Her Majesty's Government in the present position of the question.

I have to observe in the first place that in dealing with it, Her Majesty's Government have to consider it not merely as regards the relations between Great Britain and the Hawaiian Islands. The arrangements which may be arrived at for its settlement will also have a bearing upon the commercial relations and engagements of this country with foreign states generally.

Her Majesty's Government cannot therefore be parties to any arrangement which would be opposed to their general commercial policy. They are willing to accept fully the explanation given by you and by Mr. Carter in regard to the reciprocity treaty between Hawaii and the United States, and they have no wish that that treaty should impair their friendly sentiments towards Hawaii. But at the same time, as a necessary condition to this friendly understanding, Her Majesty's Government expect that the Hawaiian Government will remove just causes of complaint, and the draught of declaration proposed in my note to Mr. Carter of the 25th of October last, not having been accepted, you must not give any pledge that the offers then made will be repeated. In consideration of the peculiar circumstances of the commercial relations of the Hawaiian Islands, as explained by Mr. Carter, and the statements made by you after communication with British merchants interested in the trade with those islands, Her Majesty's Government proposed this method of settlement of the points in discussion between the two governments.

But it was only as a temporary arrangement, the reciprocity treaty of 1875 being limited in duration, and only under the peculiar circumstances of the case, that Her Majesty's Government could agree to any sort of differential treatment of British goods,

and a formal agreement to the reduction of the 25 per cent. duties to 10 per cent. as a maximum was a necessary condition of any such arrangement. Without reverting to questions of the interpretation of Article IV of the treaty of 1851, for the termination of which notice has been formally given by the Hawaiian Government, I have to instruct you on your return to Honolulu to make the following statements to the King and to the Government of Hawaii.

First. Her Majesty's Government cannot admit the right of the Hawaiian Government to terminate the operation of the provisions of that article until the expiration of the twelve months' notice which they have given. While it remains in force, Her Majesty's Government must require that it shall be faithfully observed, and consequently duties improperly levied must be repaid.

Second. Without further explanation to justify such a course, Her Majesty's Government must regard the abrogation of Articles V and VI, in the treaty of 1851, when the only point in discussion is the first paragraph of Article IV, as an unnecessary and unfriendly act.

Third. Her Majesty's Government must regard as a specially unfriendly act the levying, when the treaty stipulations for "most favored nation" treatment in matters of tariff shall terminate, of any such differential rate of duty as 25 per cent. on British goods imported into the Hawaiian Islands.

You will give a memorandum embodying these three statements to the Hawaiian minister with whom you may be in communication on your return to Honolulu; and if you think fit you may read this dispatch to him and supply him with a copy of it.

I am, sir, your most obedient, humble servant,

DERBY.

Upon the careful consideration of your committee, they have been able to see clearly the views taken by each of the contending parties, as also the ground assumed by Hawaii in giving the notice herein mentioned of denouncing Articles IV, V, and VI of the Anglo-Hawaiian treaty of the 10th of July, 1851.

And on this ground the two governments are now at issue with each other. Prior to the 5th of May, 1877, the Government of Hawaii was not aware that she was standing in antagonism to the interests and friendly relations of the Government of Great Britain, neither had it occurred to the minds of the authorities of our government that a controversy between the two countries should arise out of this treaty of 1851.

Therefore, owing to the information derived from the careful perusal of the above correspondence, your committee have arrived at the following conclusions, and beg to state to this honorable assembly that the Government of Hawaii has unquestionably violated the treaty between this country and the Government of Great Britain of the year 1851, and the violation has led to a question of our public safety, and has given rise to a state of interrupted good feeling between us and a nation which has always befriended us in the past.

The weight of this matter has fallen on us through the action of our government from the year 1874 up to the present time. By an act of the legislature of 1874 we commenced this work of alienation. Now this was the proper time to have considered the purpose of the 17th article of the Anglo-Hawaiian treaty of 1851, and which article reads thus: "In order that the two contracting parties may have the opportunity of hereafter treating and agreeing upon such other arrangements as may tend still further to the improvement of their mutual intercourse and to the advancement of the interest of their respective subjects, it is agreed that at any time after the expiration of seven years from the date of the exchange of the ratifications of the present treaty either of the contracting parties shall have the right of giving to the other party notice of its intention to terminate Articles IV, V, and VI of the present treaty; and that at the expiration of twelve months after such notice shall have been received by either party from the other," &c., then these articles would be terminated, and the several conditions of those articles would not be held to bind either of the contracting parties.

But during a long period after the operation of the treaty of reciprocity with the United States of America, the Hawaiian Government never did comply with the purpose of this article, but were remiss in their duty to obviate the difficulty that would be sure to arise in the future. They were decidedly wrong in this matter.

All the preliminary negotiation by the ministers, in concurrence with the supreme judicial authority, prior to the final passage of this said treaty of the 30th of January, 1875, was generally approved of; and had those negotiations been conducted with a strict observance of the aforesaid article of the British treaty, then there would not have been any disturbance of harmony; but the chief officers of the government urged King Kalakaua to take in hand the negotiations, and he proceeded to do so—went abroad on this errand, in accordance with their wishes.

In consequence of this supposed advantageous procedure, we have only succeeded in affecting our national status, and have given cause for serious protests on the part of governments with whom we have treaty stipulations.

Your committee here beg to express their very grave censure of the action of the chief executive officers of the government.

But this is not the only instance wherein Hawaii has acted in opposition to her own interests. Our country was again led into an unfriendly course which was as follows: The ministry, in the Assembly of 1876, and others who were opposed to the peace and prosperity of our nation, supported with great vehemence, and, by the distribution of offices to the representatives of the people at that session, passed an act relative to the amendment of our revenue laws. The first was an act increasing the tariff, and the next was an act to exempt and allow certain articles of American origin to be admitted free of duty. Owing to these enactments we are now liable to pursuit in the courts of law. In this predicament we have endeavored to offer a defense such as contained in the letter of H. A. P. Carter, in which he makes answer as a sort of excuse; but his explanation appears to be insufficient to obtain the desired result of what could have all been settled here.

Our government, however, thought it would better our case to appoint an envoy, and clothe him with full powers to settle the controversy in England; but in reviewing the correspondence relative to his mission we cannot entertain hopes of a satisfactory issue.

With deep regret, on account of the puerile course of our envoy, your committee beg to show that Hawaii has not derived any benefit whatever from his mission; it having rather tended to his own personal advantage. His proceedings do not appear very praiseworthy, and are accompanied with evidence of a vindictive and mischievous spirit. He says in his letter to the King, "If we were ever asked to refund we should refuse, and if compelled so to do, we should use our undoubted right after the year's notice to put such a tariff on English goods as would repay us tenfold."

Your committee are well convinced as to his intentions, and the intentions of the present cabinet—they do not cordially seek an adjustment.

It is also very evident to your committee that they are inclined to embroil the friendly relations between us and Great Britain, as is apparent from their efforts to terminate Article IV of the treaty of 1851, and hence their holding on to the fourth article of the reciprocity treaty with the United States.

The truth of these remarks may be seen from extracts of his letter to the King, in which he says, "I should by too much haste only strengthen those who would like to say that we must carry out their view of the treaty or they would make us, and if we denounced the articles they would break off diplomatic intercourse with us."

Your committee therefore appeal to this Legislative Assembly in the strongest language against a course which is in direct opposition to the maintaining of Hawaiian independence.

It is also necessary for this assembly to observe the answer of the acting minister of foreign relations, who is our present minister of the interior, to the dispatch of H. A. P. Carter, in which he thoroughly supports the views of our envoy while acting in the foreign office as minister of foreign relations.

All of the acts of our envoy are exactly in unison with his instructions, as will be seen by his letter to our envoy, and appended to this report, and marked Exhibit D.

The apparent grounds of the protests of the government of Great Britain to the government of Hawaii may be seen by referring to the dispatch of J. H. Wodehouse of the 5th May, 1877, and marked Exhibit A, and certain extracts taken from the letter of Lord Derby, the British secretary of foreign affairs, of the 25th of January, 1878, and marked Exhibit E. These grounds of objections presented to our government are perfectly plain, and are such that we cannot well avoid them. Your committee therefore recommend that these letters be carefully considered, and that the three particular points asked for by the British Government and specified in the letter of Lord Derby be approved of by this assembly.

If these are matters which can be avoided, we should do so; and if there are possibilities of making some amendments, we should by all means justify ourselves; and should there be sufficient grounds for a positive refusal, we should do so. But your committee, in considering the demand of Great Britain, believe the same to be very reasonable and just, and recommend this assembly to authorize the minister of finance to pay out of the government treasury all of the claims made by the British importers on goods imported from Great Britain, whereon duties of 25 per cent. have been improperly levied; and they would further recommend to this honorable assembly the repeal of the tariff act, approved the 27th day of September, A. D. 1876, as the said act is not in violation alone of our treaty rights with Great Britain, but is burdensome to the consumer. And they would further recommend to this assembly not to favor the approval of any acts of reprisal as proposed by H. A. P. Carter to the King, as such a course would only tend to irritate and increase unfriendly feelings.

Thus we are liable to damages from our unwise course, and our government treasury may sustain a loss from the malfeasance of our authorities. Could your committee ascertain correctly the deficiency from the time the negotiations of the reciprocity treaty first took place up to the present, it would be seen that our government has suffered serious loss.

This is not all. Mr. Carter has not accomplished anything by his negotiation. His action was not calculated to produce harmony; he has stood in the way of an adjustment, and he has aggravated rather than quieted.

Another matter he was deputized to do on this expedition was relative to the immigration of the people of India, and he never made any application on the part of our government in this matter, if his language to the King in his letter is to be of any value, where he says, "I can do nothing at the India office until the foreign office decides these matters." He has assumed a haughty tone toward the powers of Europe, and by his neglect of duties confided to his charge, your committee believe that he trenches on the dignity and honor of the Hawaiian Government. All of his actions before the English court dishonor his government.

Your committee who have signed this report appeal in the spirit of patriotism in behalf of our government, our throne, and our people.

First. That we stand firm on our soil to guard and maintain intact the independence of Hawaii.

Second. That we declare our intentions to perpetuate cordial relations of friendship between Great Britain, France, and all other treaty powers.

Third. To observe carefully the action of our government in leading the Hawaiian people.

To object decidedly to all measures leading to annexation with any government.

We annex to this report certain tables relating thereto and numbered.

Respectfully submitted.

G. W. PILIPO.  
J. W. MOANAULI, JR.  
WM. H. HALSTEAD.

TABLE I.—*Expenses of the Commissioners E. H. Allen and H. A. P. Carter in negotiating the treaty of reciprocity.*

1874-1875.	
E. H. Allen and H. A. P. Carter .....	\$1,000 00
Do.....do .....	1,100 00
Do.....do .....	900 00
Do.....do .....	250 00
Do.....do .....	500 00
Do.....do .....	686 50
Do.....do .....	1,106 27
Do.....do .....	97 98
Do.....do .....	810 65
Do.....do .....	1,000 00
Do.....do .....	47 75
Do.....do .....	500 00
	7,999 15
Expenses of His Majesty King Kalakaua on the same business.....	20,000 00
Total .....	27,999 15

TABLE II.—*Expenses of our envoy to settle the difficulties between Her Majesty's Government and His Hawaiian Majesty's Government relative to the violation of the Anglo-Hawaiian treaty of 1851.*

1877.	
For H. A. P. Carter .....	\$1,015 00
Do.....do .....	524 75
Do.....do .....	526 00
Do.....do .....	346 94
Do.....do .....	687 96
Do.....do .....	2,799 60
	5,900 25
Sundry other expenses while in England .....	\$2,875 00
Do.....do .....	1,125 00
	4,000 00
E. H. Allen. expenses.....	500 00
Do.....do .....	1,398 87
Do.....do .....	331 70
	2,230 57
Total .....	12,130 82



TABLE III.—*Loss to the treasury in paying back the amount collected of the twenty-five per cent. duty that was levied on British goods, under the act of 1876 (which the ministers now wish to repeal), and which Great Britain has demanded of us.*

Amount levied and collected up to March 31 of the year 1878..... \$4,897 47

TABLE IV.—*Actual loss and damage of the government treasury from the date of the final passage of the reciprocity treaty up to the 31st day of March, 1878.*

Amount of goods admitted into this country free of duty.....	\$1,731,468 73
Loss to the treasury on the above amount of goods, being admitted free of duty at 10 per cent.....	173,146 87
Owing to the same treaty, we have levied and collected on the same sort of goods from Great Britain to the amount of \$522,523.24, at the rate of 10 per cent.....	52,252 32

[Inclosure 3 in No. 43.]

*Report of the Hon. H. A. P. Carter.*

NUUANU, June 25, 1878.

SIR: In response to your excellency's request for a brief *résumé* of my late mission to Europe, I beg leave to report that I was received with courtesy and respect by the Governments of Her Britannic Majesty, and of His Imperial and Royal Majesty the Emperor of Germany and King of Prussia, to whom I presented the credentials with which I was intrusted by His Majesty the King.

With the former government it was hoped that I should be enabled to conclude an arrangement on the basis of a protocol, signed here by Her Majesty's representative, Major Wodehouse, and His Majesty's minister for foreign affairs, which should harmonize some differences growing out of the interpretation of the Anglo-Hawaiian treaty of 1851; and, further, if it seemed practicable to enter into a scheme of East Indian immigration, I was instructed to negotiate, if possible, a convention with Her Majesty's Government defining the conditions of such immigration from the East Indian possession of Her Majesty the Queen of Great Britain and Empress of India.

In regard to the first object, although I had the valued assistance of Major Wodehouse, it was found, upon discussing the protocol and declarations based thereon, that even with the best desires on both sides to attain the object by such means, any declaration which could be accepted by the British Government in view of their relations with other countries could not be signed by myself without exceeding the limits of my instructions and infringing the constitutional rights of the legislative assembly.

I had, however, the pleasure of receiving the assurances of Lord Derby, Her Majesty's principal secretary of state for foreign affairs, that my explanations of the peculiar circumstances of the commercial position of the Hawaiian Islands led Her Majesty's Government, as an especial mark of friendship and good will, to propose a mode of settlement, which he submitted to me. This proposition involved a modification of our tariff laws, which could only be made with the sanction of the legislative assembly, and I was obliged to point out that objection to it. Owing to these limitations on both sides, it became obvious that we could not meet the wishes of the British Government without legislative action.

On the 9th of November, I had an interview with Lord Derby, in which, after pointing out some of the reasons which had led the Hawaiian Government to adopt the interpretation of the treaty of 1851 which it holds, and explaining the constitutional and other objections to the proposed form of declarations, I suggested that so much of Article IV of the treaty of 1851 as formed a subject of difference between the two governments be declared inoperative by mutual consent, thus saving as much as we could of a treaty for which, I assured his lordship, we had a traditional regard, and had never knowingly violated.

His lordship expressed himself satisfied with the intentions of the Hawaiian Government, saying that Her Majesty's Government did not accuse the Hawaiian Government of any wilful neglect of its treaty obligations, and promising to give my suggestions careful consideration.

I subsequently had conferences with Lord Tenterden and other gentlemen of the foreign office, in the hope that some form of declaration might be arrived at which would meet our mutual wishes, but with the same result.

Lord Tenterden, in a "private" note to myself, dated December 28, stated that my propositions had been carefully considered, but that Her Majesty's Government regret-

ted that they could not entertain them, as they were obliged to consider them not only as regarded their relations with the Hawaiian Islands, but also their bearing upon the relations and engagements of Great Britain with other foreign states. Lord Tenterden courteously assured me that it was on general grounds, therefore, that they were unable to accept them. He again repeated Lord Derby's assurances of the friendly sentiments of Her Majesty's Government toward Hawaii, and that they fully accepted the statements I had made in regard to the reciprocity treaty with the United States, and stating that Her Majesty's Government had no wish that the friendly relations now subsisting between the two nations should be affected by that treaty.

Lord Tenterden further stated that, apart from the treaty, there were two subjects with regard to which Her Majesty's Government might have ground for complaint. First, the maintenance of the recent augmentation of duties upon British goods, and, secondly, the unnecessary denunciation of Articles V and VI of the treaty of 1851.

With regard to the second matter, I pointed out to Lord Tenterden that the withdrawal of the notice of termination of those articles could not be accomplished, except by a mutual arrangement, without prejudging the notice as regarded Article IV, and that I had already, on November 9, proposed such mutual action to Lord Derby without eliciting any response. This matter, you inform me, has been arranged upon the assurance of Major Wodehouse that it should not affect the notice regarding Article IV.

With regard to the first matter, it depends partially upon the action of the Legislative Assembly whether the tariff of 1876 shall be maintained or not. It was clearly beyond the scope of my powers to make any promises regarding it.

One of the happy results of my mission was the acceptance by the British Government of our explanations regarding the reciprocity treaty with the United States, and the assurance of that government of its desire that the operation of that treaty should not in any way affect our friendly relations.

I am quite convinced that so long as our legislation and the execution of our laws shall continue to be just and equitable towards that great power those friendly relations can be maintained, and that legislation which can be shown to be for the best interest of this country will meet with no unfriendly interpretation.

Through my mission a clearer understanding has been arrived at with the British Government upon all points, and it shows every disposition to respect our views, and there has been no diminution of that friendship and good-will which it was my constant desire to promote. Lord Salisbury, at present Her Majesty's principal secretary of state for foreign affairs, in a dispatch as late as the 4th of May of the present year, while expressing his regret at the termination of my mission, informs me that Her Majesty's Government fully share in my hope that the termination of any part of the treaty of 1851 may not in any way interfere with the relations of friendship which now happily subsist between Great Britain and the Hawaiian Islands.

This dispatch closed my official intercourse with the Government of Her Britannic Majesty.

On my arrival in Berlin, on the 8th of January of the present year, I communicated with the minister of state for foreign affairs, and was in due course of time received, as I advised the department, by His Imperial and Royal Majesty the Emperor of Germany and King of Prussia, by Her Imperial Majesty the Empress, by their Imperial and Royal Highnesses the Crown Prince and Princess, and all the members of the royal family, after which my official intercourse with the imperial government began.

My negotiations with that government were retarded by its reluctance to make a commercial treaty without providing for the fullest equality in respect to import duties. They, however, finally acknowledged that the peculiar circumstances of our position justified them in so doing, and an article was framed by which it was agreed that the special advantages granted to the Government of the United States in consideration of equivalent advantages should not in any case be invoked in favor of Germany.

Certain considerations which I have explained to your excellency led me to desire that the articles of a projected treaty framed should not take the form of a definite treaty until fully approved by His Majesty's Government, and consequently a protocol was framed, of which they formed a part, providing for a formal treaty, of which they should be the basis.

This protocol was duly signed by the German plenipotentiaries and myself on the 2d day of April last past.

By command of His Majesty, I had the honor of tendering to His Imperial and Royal Majesty the Grand Cross of the Royal Order of Kamehameha I, which he graciously received, and consented to allow His Imperial and Royal Highness the Crown Prince to receive the same. I was then informed by his excellency the minister of state for foreign affairs that it was His Imperial Majesty's intention to send the Grand Cross of the First Class of the Royal Order of the Red Eagle to His Majesty as a mark of high regard and esteem.

In conclusion, I beg to give expression to my grateful sense of the many courtesies which, as His Majesty's envoy, I received at the courts of St. James and Berlin, and

the many kindly sentiments of regard and esteem which were expressed for the Hawaiian nation. I am deeply imbued with the conviction that, by the judicious and dignified exercise of the functions of government, Hawaii may maintain an honored place among the nations of the world, which shall make it no slight honor to be known as a Hawaiian subject.

With sentiments of high consideration, I am your excellency's humble obedient servant,

HENRY A. P. CARTER.

His Excellency HENRY A. PEIRCE,  
*Minister Foreign Affairs, Honolulu.*

[Inclosure 4 in No. 43.]

No. 140.]

*Mr. Comly to the minister of foreign affairs.*

LEGATION OF THE UNITED STATES,  
*Honolulu, July 1, 1878.*

SIR: I have the honor to submit to His Majesty's Government, through your excellency, my opinion that the integrity of the treaty of reciprocity between the United States and the Hawaiian Island is threatened.

Allow me to call your attention to a clause of Article IV of the treaty, as follows:

"It is agreed on the part of His Hawaiian Majesty that so long as this treaty shall remain in force he will not . . . make any treaty by which any other nation shall obtain the same privileges relative to the admission of any articles free of duty hereby secured to the United States."

This stipulation is in the nature of a valuable consideration to be paid by one party to the other, as one of the causes which move the contracting parties to enter into an agreement. The failure to pay it would be a breach which would endanger, if not destroy, the whole compact.

No treaty in existence at the time this compact was entered into secured to any other nation the privileges as to the admission of certain articles free of duty, which have been guaranteed to the United States by this treaty. These privileges were secured, not through any general treaty rights or stipulations, but by giving certain valuable considerations in a special treaty of reciprocal covenants. The concession of these privileges to the United States cannot therefore form any just basis for a claim to like privileges by any other nation, under the parity clause of the ordinary form of treaty. The uttermost that might be conceded under such parity clause would be the claim to purchase the same immunities through special treaty, upon like terms with those agreed upon between the United States and the Hawaiian Islands. But this is in the nature of the case impossible. Those concessions by the United States which are of the greatest value to the islands under this treaty would be of no value whatever from other powers, whose great distance from the best markets for island products would be as effectual a bar to the enjoyment of reciprocity as a prohibitory edict. The effect of such an arrangement would be, if attempted with other powers on the same basis, that the United States would remit some millions of duty on island products during the seven years, in order that other nations might not pay duty to His Hawaiian Majesty on goods brought here to compete with American products.

This is the precise thing the treaty does not intend. Its intentions is to secure exclusive benefits to both contracting parties through special privileges granted by each to the other. To admit the claim of a third party to come in and enjoy all the benefits conceded by both principals, without any payment in equivalent special privileges to either, would be an unprecedented thing.

It would be strange if the Hawaiian Government and people should fail to take in the advantages secured to them by the treaty, and should suffer its integrity to be impaired. While I cannot believe that there is real danger of such a result, yet there are circumstances, not necessary to detail particularly, which may excuse this friendly and cautionary mention of some of the rights and privileges of the United States under the treaty.

With the most distinguished consideration and respect, I am, sir, your excellency's very obedient servant,

JAMES M. COMLY.

His Excellency HENRY A. PEIRCE,  
*Minister of Foreign Affairs.*

[Inclosure 5 in No. 43.]

*Mr. Kapena to Mr. Comly.*DEPARTMENT OF FOREIGN AFFAIRS,  
*Honolulu, July 6, 1878.*

SIR: Your dispatch of the 1st instant was handed to me by my predecessor, Mr. Peirce, and I hasten to thank you for the kindly considerations towards this government of which it gives evidence.

You state in your dispatch that, in your opinion, "the integrity of the treaty of reciprocity between the United States and the Hawaiian Islands is threatened," and again, at the close of your remarks, that while you cannot believe that there is real danger of such a result, yet there are circumstances, not necessary to detail particularly, which may excuse the friendly and cautionary mention of the rights and privileges of the United States under the reciprocity treaty.

Be assured, Mr. Minister, that His Majesty's Government will take care that the integrity of the treaty shall not be impaired in any respect whatsoever, and will always thank you for any communication like that which I now have the honor to reply to, whenever you may think that we may be about to fall, through inadvertence, into any course which may appear likely to impair the value of the treaty to the United States.

With the highest respect and most distinguished consideration, I have the honor to be, sir, your excellency's most obedient servant,

JOHN M. KAPENA.

His Excellency JAMES M. COMLY,  
*United States Minister Resident.*

No. 253.

*Mr. Comly to Mr. Evarts.*

No. 44.]

LEGATION OF THE UNITED STATES,  
*Honolulu, July 8, 1878. (Received July 25.)*

SIR: I have the honor to transmit intelligence of a change of ministry in the Hawaiian Government, His Majesty having demanded the resignation of his former ministers. The new ministry is as follows:

S. G. Wilder, minister of the interior, vice J. Mott Smith, resigned.

J. M. Kapena, minister of foreign affairs, vice H. A. Peirce, resigned.

Simon K. Kaai, minister of finance, vice J. M. Kapena, transferred.

Edw. Preston, attorney-general, vice Alfred S. Hartwell, resigned.

I have, &c.,

JAMES M. COMLY.

No. 254.

*Mr. Evarts to Mr. Comly.*

No. 28.]

DEPARTMENT OF STATE,  
*Washington, August 6, 1878.*

SIR: Your dispatch No. 43, of the 8th ultimo, has been received. You report that Mr. Carter, the special envoy from Hawaii to England and Germany, had succeeded in inducing the German Government to yield the point assumed by those governments, that the most favored nation clause in their treaties with Hawaii entitled them to equal privileges in regard to imports with those obtained by the United States by the reciprocity treaty with the same country, and that no definite understanding had been reached with England, although it was probable that the proposition made by that government would be accepted. You also report that there exists among the natives a suspicion that the United

States desire to annex the Hawaiian Islands, which is encouraged and made use of by the opposition party.

In reply I have to state that the note which you addressed to the minister for foreign affairs, claiming that by the "parity clause of the ordinary form of treaty" other nations were not entitled to the same privileges as were conceded to the United States by the reciprocity treaty with Hawaii, is in accordance with the views of this Department; and that the assurance given by that officer in his reply, that the Government of Hawaii would take care that the integrity of the treaty should not be impaired in any respect, is satisfactory, and it is hoped that this promise may be strictly carried out.

You will endeavor to disabuse the minds of those who impute to the United States any idea of further projects beyond the present treaty.

I am, &c.,

WM. M. EVARTS.

## HAYTI.

No. 255.

*Mr. Bassett to Mr. Evarts.*

No. 538.]

LEGATION OF THE UNITED STATES,

*Port au Prince, Hayti, September 24, 1877. (Received October 15.)*

SIR: Referring to my No. 523, of the 11th ultimo, which, in conveying to you a note of the Dominican envoys to Hayti, touched upon the relations between the two republics of this island, I have the honor to invite your attention to the accompanying translation of a proclamation (inclosure) which was recently issued by President Canal, and which has reference to the same subject.

It will be seen that while President Canal in this proclamation mildly deplores the existence of a situation "badly defined," and of "uncertain relations equally dangerous for both nations," and professes a desire for the maintenance of friendly relations with Santo Domingo, and that while he speaks with an air of frankness, he at the same time endeavors to justify the refusal of his government to recognize the treaty of November, 1874, between the two countries, on the ground that the Corps Législatif had annulled the acts of the Dominique Government, and also because it had not been considered that the "regrettable instability of the public powers" of Santo Domingo had yet put this government "in face of a government," in that country, "offering the guarantees of order, of duration, and of national independence," as well as because the treaty's stipulations were "too onerous and without compensation."

The proclamation is couched in careful language, and I am inclined to think that it was called out by the note of the Dominican envoys, and and that it was intended to neutralize any effect which that note might have abroad. It seems also to betray a reluctance on the part of this government to treat with President Baëz, if indeed it does not even carry in its soft phrases a thread or trace of haughtiness and dictation toward Santo Domingo.

At all events, I think it rather confirmatory of the views expressed in my No. 523, as to the real sentiment which animates and controls the policy of this government toward President Baëz and toward the Dominican Republic.

I am, &c.,

EBENEZER D. BASSETT.

[Inclosure in No. 538.—Translation.]

## PROCLAMATION.

*Boisrond Canal, President of Hayti, to the people and the army :*

FELLOW-CITIZENS : An important question preoccupies the thought of two peoples (*les amis chez deux peuples*) whom nature herself has destined for an intimate and fruitful union. The question is that of the relations between our country and the Dominican Republic. One asks himself what can come of a situation badly defined, of uncertain relations, equally dangerous for both nations, because of the hopes which these relations give, and of the support which they seem to promise, to the agitation of parties (*par les espérances qu'elles donnent et l'appui qu'elles semblent promettre aux agitations des partis*).

The government believes that it is its duty to dissipate these inquietudes in exposing what has been, up to this day, the rule of its conduct, and what are its designs for the future.

You, fellow-citizens, are not incognizant of the fact that the treaty signed by the fallen government was struck with the same nullity which touched the other acts of a power which your justice had condemned. It did not, however, enter into the spirit of the new government that no convention whatever should bind together for the future the two neighboring republics.

The National Assembly and the executive reserved it to themselves to study and to cause to be known at an opportune moment the modifications to be introduced in a work that was fruitful in itself, but that the strange inconsistency of the preceding rule had vitiated in its essence by stipulations too onerous and without compensation.

Penetrated with this truth, that a treaty can have a solid and durable basis only as it responds in an equal measure to the interests of each of the contracting parties, we, the National Assembly and myself, thought it our duty, without neglecting the maintenance of friendly relations with our neighbors, to await the moment when we should be free from the pressing questions of interior reorganization created by a disastrous past, and when, on the other hand, the end of the regrettable instability of the public powers among our neighbors should put us in face of a government offering the guarantees of order, of duration, and of national independence, which the Dominican Republic as well as ourselves were right to demand. Such has then been, fellow-citizens, the double impulse which has dictated the conduct of your great public powers; on one hand, the ardent and sincere desire of a close union with the sister republic, but of a serious union based on reciprocal satisfactions; on the other, the need and the evident necessity of treating only with a durable government, accepted by all as the sincere representative of the moral and material interests of Dominicans as the loyal guardian of their independence.

You will recognize with me, fellow-citizens, and all the patriotic minds among our neighbors will equally recognize, that our attitude in this question was inspired only by a real solicitude for the happiness of the two peoples. Nevertheless, the different commissions sent by the Dominican Government seemed to disown that our reserve had as its basis a kindly sympathy and friendly tendencies. In placing itself in the point of view of the strict maintenance of the old treaty, they appeared less preoccupied with the loyal conditions of a definite alliance than with the satisfaction of immediate and pressing needs. Neither their demands, nor our actual condition, nor the decisions of the assembly, permitted us to subscribe thereto in the conditions in which they presented themselves.

From this misunderstanding, which does not touch either the question of alliance, or even that of sacrifices which our country could impose upon itself in view of a serious union, have issued regrettable and dangerous interpretations. They have thrown trouble into the minds on both sides of the frontier, and they have created this uneasiness and these equivocations from which ambition seeks to profit.

Convinced that the Dominican people could not be less desirous than we for the maintenance of close and friendly relations, I have endeavored to restore the facts to their veracities, and I have endeavored to openly proclaim the intentions of the government in order to dissipate the inquietude formulated and turned to account by malevolence.

You will appreciate, fellow-citizens, and the Dominican people will appreciate as you do, the character of our true tendencies concerning them. They will understand that our apparent reserve, dictated as well by prudence as by a real sympathy for them, has had but one object: to assure the alliance of the two countries on definite bases, with guarantees which safeguard at once their reciprocal interests and their mutual independence.

Done at the national palace, at Port au Prince, the 6th of September, 1877, the 74th year of independence.

By the President :

BOISROND CANAL.

AUGUSTE MONTAS,

*Secretary of War, &c.*

F. CARRIE,

*Secretary of Finance, of Commerce, &c.*

E.M. M. A. GUTIERREZ,

*Secretary of Interior and of Agriculture.*

DR. JN. JOSEPH,

*Secretary of Justice, &c.*

No. 256.

*Mr. Bassett to Mr. Evarts.*

No. 541.]

LEGATION OF THE UNITED STATES,

*Port au Prince, Hayti, October 23, 1877. (Received Nov. 5.)*

SIR: I have the honor to state that the arrival in this harbor, on the 6th instant, of a small steamer, the General Narino, of 59 tons, carrying the flag of the United States of Colombia, rarely seen and hardly known here, having a hole in her bow, and having on board 18 men, all American citizens, created an unusual excitement in government circles among the Cubans and the few Spaniards resident at Port au Prince, inasmuch as she was at once suspected to have been in the service of the Cuban insurgents, to be under pursuit by Spanish war-vessels, and to have sought refuge in this port; that the government officials, alarmed at the contemplation of fresh difficulties with Spain, the Spanish chargé d'affaires *ad interim*, and the officers of the steamer itself, all speedily addressed themselves to me for information and advice; that I immediately inquired into the matter, looking into the letters of instruction given the officers by a respectable firm in Wilmington, Del., and into other papers and letters in their possession; that I found the steamer not to have been in or destined for the Cuban service; and that by the prompt and careful use of my good offices I soon allayed all excitement about her character and her arrival here.

It appears that Messieurs Pusey & Jones, of Wilmington, Del., recently built for the revenue service of the Colombian Government two small steamers, the General Maza and the General Narino, each of 59 tons burden; that the two steamers left Wilmington September 11, 1877, for Savanilla, via Norfolk, Charleston, Nassau, and Port au Prince, under orders to keep together if possible, and take coal at these intermediate ports; that leaving Nassau, October 3d, instant, the steamers collided on the morning of the 4th instant; that in consequence of this collision the General Maza sank within a few moments thereafter, her crew having been taken on board the General Narino, which, by reason of the injuries sustained from the collision, as well as because it was in her route, came to Port au Prince for repairs and coal.

I need not add that I have cheerfully lent to the officers and crews of the two steamers, who are American citizens, though temporarily in the employ of the Colombian Government, every unofficial service within my power.

I am, &c.,

EBENEZER D. BASSETT.

No. 257.

*Mr. Bassett to Mr. Evarts.*

No. 542.

LEGATION OF THE UNITED STATES,  
*Port au Prince, Hayti, October 23, 1877. (Received Nov. 5.)*

SIR: Referring to my No. 490 of the 26th of March last, and to that portion of inclosure B to my No. 503 of May 28, 1877, which touches upon the lack of good harmony between the government of Hayti and the government of France, I have the honor to state that this government has recently appointed a minister plenipotentiary to France, and that the new minister, Mr. Sauveur Faubert, sailed for his post of duty by the royal mail steamer which left this port for Southampton the 11th instant.

Mr. Faubert was Haytian minister to Spain under the administration of President Geffrard in 1865 and 1866. He has twice been a minister of state during my residence here, once under President Saget, and again under President Canal, and was also senator during the Saget administration. He is a gentleman of character, of unquestioned intelligence, polished education, and about sixty years of age.

It is understood that that mission has for its chief object to endeavor to dissipate the coldness now existing between the two governments, to secure his own official recognition and consequently that of his government by the Government of France, and to bring about the return of a French minister to Hayti.

I am, &c.,

EBENEZER D. BASSETT.

No. 258.

*Mr. Bassett to Mr. Evarts.*

No. 543.]

LEGATION OF THE UNITED STATES,  
*Port au Prince, Hayti, October 23, 1877. (Received Nov. 5.)*

SIR: Referring to my No. 524, of the 11th of August last, which outlined a kind of insurrectionary attempt at Croix des Bouquets, I have the honor to represent that since the date of that dispatch there have occurred two other attempts similar in the character of their duration and result.

Inclosure A is the government's own statement of the former of these, which occurred at St. Marc the 30th ultimo, and I judge the statement to be substantially correct. The other attempt took place on the 16th instant, at a place in the vicinity of Cape Haytien, called Quartier Marin. The government's statement of it is almost identical with the one given of the affair at St. Marc, and is, I think, also substantially correct. No one has been, in any of these three uprisings, either killed or wounded.

It is thought that the motive in the two latter attempts, which were made by the country people, was first to plunder what is called the Caisse d'Arrondissement, which is supposed to contain fifteen per centum of the government revenues distributed among the different arrondissements for local purposes, and then at the same time to make a demon-



stration tending to show the dissatisfaction which exists among the uneducated blacks against the government, in consequence of a recent law reducing the rank and file of the army. This law reduces the army from thirty-two regiments to six regiments, and consequently throws out of service and pay many old and ambitious officers, though it increases the pay of both officers and men who are retained in the active service. According to tradition in this country, too, the poorer class of Haytiens hold the government responsible for a certain kind of poverty which is just now prevailing among that numerous class. The spirit of revolution, besides, has unfortunately been engrafted into the life of this people. They know of no other means except revolution for the redress of real or fancied misconduct on the part of their rulers and affecting their supposed interests.

But it is my opinion that while there may and probably will be from time to time revolutionary attempts against the present government, General Canal will nevertheless remain in power to the end of his constitutional term.

I am, &c.,

EBENEZER D. BASSETT.

---

[Inclosure in No. 543.—Translation.]

*Government statement of the insurrectionary movement at St. Marc.*

Sunday, the 30th of last month, at two o'clock in the morning, about 30 men, commanded by General Diamant, succeeded in taking by surprise Fort Edward and the arsenal of St. Marc. The authorities of the city, as soon as they were informed of the fact, marched against the insurgents, who did not await the attack directed against them; they fled, abandoning their chief, who was made a prisoner.

General M. Nicholas, commander of the department of the Artibonite, who was at Petite Riviere, hastened to St. Marc, and in concert with the commander of that arrondissement took all the measures which the circumstances required.

The government is pleased here to acknowledge the energetic help which the population of St. Marc gave to the authorities, and in thanking them for their attitude, the felicity of the promptitude which they manifested in ranging themselves under the standard of order.

---

No. 259.

*Mr. Evarts to Mr. Langston.*

No. 4.]

DEPARTMENT OF STATE,  
Washington, November 7, 1877.

SIR: I inclose herewith a copy of a letter of the 16th October ultimo, addressed to the Department by A. Nones & Co., merchants of New York, in relation to the imposition and collection of a tax of 1 per cent. on the value of all consignments of merchandise from New York to Hayti, together with a copy of the formal protest of the merchants in question against the legality and justice of such imposition.

It appears from the protests of the merchants in question that the charge referred to is exacted under the guise of consular fees for certifying invoices. The amount of the charge thus made renders it at once manifest that such a pretense rests on no just foundation. The fees of a consul of this government in Hayti for certifying an invoice, no matter what may be the value of the consignment, is limited to \$2.50; while at the rates exacted by the Haytian consul at New York upon a consignment of \$50,000 (not an unusual occurrence), the consular charge for certifying the invoice would be \$500.

Such a charge cannot be received otherwise by this government than as the indirect levying of a discriminating import duty, imposed by Hayti on the commerce of the United States with that republic, and, as such, being in direct contravention of the spirit and letter of the treaty of November, 1864, between this government and that of Hayti.

It evinces, moreover, an absence on the part of Hayti of that feeling of reciprocity in the commercial relations between the two countries which it has been the special desire of this government to cultivate and encourage as alike advantageous to both nations, and especially calculated to illustrate the spirit of friendship which should characterize the relations of two neighboring republics. You will take an early opportunity to bring the matter to the attention of the Minister of Foreign Affairs, and at the same time express to the minister the hope indulged by this Department that the necessary orders will be issued by his government for the discontinuance of the exaction, and provision made for refunding such amounts as may have been thus wrongfully collected. And you will, with as little delay as convenient, report the result of your proceedings to the Department.

I am, &c.,

WM. M. EVARTS.

---

[Inclosure in No. 4.]

*Messrs. A. Nones & Co. to the Secretary of State.*

NEW YORK, October 16, 1877.

HONORABLE SIR: As established merchants in this city, doing business with the republic of Hayti, we have protested against the imposition of the one per cent. consular fees charged on the gross amount of invoices shipped by us to the said island of Hayti, and respectfully inclose a copy of the protest which we have lodged with the Haytian consul at New York.

Requesting your kind attention to the same, we are,

Your obedient servants,

A. NONES & CO.

---

*Protest.*

STATE OF NEW YORK,

*City and County of New York, ss:*

We, the subscribers, A. Nones & Co., of the said city of New York, merchants, have solemnly protested, and by these presents do hereby solemnly protest against any and all payment and payments of money arising from the imposed charge and payment of 1 per cent. on the gross amount of invoices demanded by the Haytian consul in New York City aforesaid, on any and all amounts of invoices of goods, wares, and merchandise already shipped by us, and that may hereafter be shipped by us here, to Hayti, by any vessels or steamers, commencing with the shipments made by us on the sixth day of October, 1877, per American schooner E. A. de Hart, bound hence to Aux Cayes, Hayti, and duly certified by the Haytian consul in New York.

We, claiming as the cause of this, our solemn protest, that the said Haytian consular charge of 1 per cent. on the gross amount of said invoices shipped to Hayti is excessive, unlawful, improper, and in direct contravention to the spirit and meaning of treaty stipulations between the United States of America and the Republic of Hayti, and that we have already paid and will continue to pay the amounts exacted of us as aforesaid, only to prevent complications on the arrival of the goods, wares, and merchandise which we have shipped and may ship hence to Hayti, within the jurisdiction of said Haytian Government, and we hereby give public notice for the benefit and account of whom it may concern, that we shall claim a refund of any and every excess so paid, over and above a reasonable amount and charge, for Haytian consular fees, and for the verification of all invoices by us so shipped as aforesaid to the island of Hayti.

ALEX. NONES,

*Of and for the Firm of A. Nones & Co.*

Dated New York, 13th October, 1877.

UNITED STATES OF AMERICA, *State of New York*, ss :

By this public instrument be it known to all whom the same doth or may in anywise concern, that I, Joseph B. Nones, a notary public in and for the State of New York, by letters patent under the great seal of the said State, duly commissioned and sworn, dwelling in the city of New York, do hereby certify that on the day of the date hereof, before me personally appeared Alexander Nones, to me personally well known, and known to me to be a copartner of the within-named firm of A. Nones & Co., known to me to be the same persons described in, and who executed the annexed instrument of writing, and acknowledged to me that he had, voluntarily and freely, executed the same, for the uses and purposes therein stated, as the proper act and deed of his said firm and of himself as such copartner.

In testimony whereof, I have subscribed my name and caused my official notarial seal to be hereunto affixed the 13th day of October, in the year one thousand eight hundred and seventy-seven, in the 102d year of the Independence of the United States of America.

[SEAL.]

J. B. NONES,

*Notary Public of the State of New York, 91 Duane street.*

No. 260.

*Mr. Langston to Mr. Evarts.*

No. 11.]

LEGATION OF THE UNITED STATES,

*Port au Prince, Hayti, November 29, 1877.*

(Received December 14.)

SIR: It is matter of gratification that peace and good order prevail at this time throughout the republic of Hayti. The usual crop of coffee is made, and producers are already making large sales of it for shipment abroad in this and other places along the coast.

It is claimed by those well acquainted with the affairs of this republic that it has not been, for years, so free from revolutionary tendency as at this time. And while the present administration is not wholly free from adverse, sharp criticism, as seen in the inclosure herein, taken from one of the most prominent newspapers of this city, it seems to be giving very general satisfaction, and may be said to be, in the main, popular.

It is certainly evidence of improving political health that such freedom of the press, as indicated in the inclosures herein, is tolerated. Freedom of debate, liberty of the press, agitation and instruction of the public mind, are the only moral agencies calculated to cure this government of its chronic and disastrous disorders.

I bring now to your attention the present apparently continuing peace, and the improving political condition of this republic, as promise, it is to be hoped, of its permanent condition at no distant day.

I have, &c.,

JOHN MERCER LANGSTON.

[Inclosure in No. 11.—Translation.]

*Finances.*

[From *Le Constitutionnel*, No. 22, dated November 24, 1877.]

The *Moniteur* of Saturday, November 17, contains the following circular of the ministry of finances :

"The Minister of Finance, who leaves nothing undone in order to give every satisfaction to the numerous holders of government obligations of the current service, regrets not to be able to settle these vouchers at the present moment, he not having at his disposal the ready money pertaining to this service.

"The government, whose greatest anxiety is to extinguish this outstanding debt, intends to authorize the Secretary of State to make a loan to that effect. But before taking this step, it is made his duty to have paid in to the public treasury all the values belonging to the current service, and which still remain due in different localities, notably at Port au Prince, by certain houses of the higher commerce, amounting to about \$313,000.

"The public prosecutor has already seized several accounts of debtors, and before long the superior administration hopes to be able to cause to cease the sufferings of the functionaries who are still in possession of their orders on the treasury for salary, dues, &c."

We are aware that many persons having in their possession government vouchers and obligations of the current service have offered to the Minister of Finance to compensate or give them in payment for the fixed import duties of the same service.

The minister refuses. The debtors likewise refuse to pay. This is very simple. One owes to the government and is likewise holder of its signature for expenses of a similar service. Is there anything fairer, more rational, than compensation?

And for what reason, then, does the Minister of Finance now justify himself? As long as he shall persist in this course he will not advance one step. There does not exist a tribunal who can condemn a debtor of the government who is at the same time its creditor to an equal extent to pay first to the government and then to await the pleasure of the administration to be paid in turn. This surpasses all imagination and can only be witnessed in Hayti.

The principle which we defend is so sacred that the chambers even, and that is not saying little, consecrated it in its first law on the sinking fund in relation to both debtors and creditors of the government prior to the revolution.

Thus the justification of the Minister of Finance is not admissible. The numerous holders of government obligations of the current service suffer only through his doings. He has only to allow that which is just, that which cannot be refused by law, and the situation will soon have been changed; all these arrears, amounting to \$313,000, due on the current service, will vanish. The government will find itself with its signature paid, which to-day is dishonored; and the debtors of the government will have accomplished their engagements to it.

The minister, Felix Carrié, shudders when one pronounces before him the word *compensation*. He is wrong in this, and one can easily see that he is prejudiced. As regards ourselves, suppose we are told that we must not receive a voucher bearing our signature in compensation, or in payment of an account, this could not enter our head; still more, we would be taxed as being of bad faith, and that rightly. But, in Hayti, one is so accustomed to treat government affairs outside of all prescribed rules, outside of all principles of justice and equity, outside of all common right, that to-day he has become accustomed to this.

And soon we shall no longer perceive that justice, reason, nature even, are outraged by the government which is placed there to protect them.

The minister, Felix Carrié, does not wish that the government obligations be discounted under his administration. The means which he employs to this end give very negative results. What happens? The treasury not having the means to pay these obligations on demand, the bearers always have recourse to discount. In losing a little they obtain the money necessary to transact their business. The discount at his turn gives them to the government in payment of the fixed duties for importation. The more favorably these papers are received in payment, or in compensation, the lesser the difficulty the government makes to receiving them, the smaller the discount. This is natural. In refusing to accept the government vouchers in payment, or in compensation, the discount becomes higher; and as the principle in virtue of which these papers depreciate misery augments. The employees not being able to have these papers discounted die of hunger. And as the principle in virtue of which one acts thus is unjust, one can say even immoral, your debtor, when the opportunity offers itself to him to do likewise, imagines himself as acting perfectly right.

Under date of October the 19th last, the Minister of Finance, in a circular addressed to the administrators of the finances of the republic, clearly establishes that without an express order of his department the *treasurers shall receive only in compensation for duties of the current service but the government obligations of the current service.*

How can one write a circular like the above when he is the first to infringe it in not accepting, in compensation for duties of the current service, the government obligations of the current service?

In virtue of this circular, without an order of the Minister of Finance, the treasurers are positively invited to accept, in compensation of duties of the current service, the government obligations of the current service. And an order is only necessary when one desires to use the vouchers of one service to the discharge of the debts of another service.

It is, therefore, on purpose that we repeat so often, and that we underline in such a marked manner, the phrases of the circular which it behooves the treasurers to fully understand in order to carry on regularly the public service.

It is, therefore, likewise on purpose that, in the number of the *Constitutionnel* of the 27th of October last, we dissected this circular, executed only in favor of a few favorites, and refused to others, who, nevertheless, have rendered the greatest service, to the country without speculation, without any hope whatsoever of reward.

The regrets of the minister of finance are therefore superfluous. They are without value, and the intelligent public accepts them for what they are worth. He well knows that it only depends on him to obtain the ready funds pertaining to the current service in order to liquidate the obligations of the government which are in arrears.

The greatest anxiety of the government is really to extinguish this arrear. The road which its minister of finance takes to that end may lead there some day perhaps, but is it necessary for that to go to Cochin China when it requires only to remain where one is? O, there are always people who manage to drown themselves in a glass of water.

R.

---

No. 261.

*Mr. Langston to Mr. Evarts.*

No. 12.]

LEGATION OF THE UNITED STATES,  
*Port au Prince, Hayti, Dec. 6, 1877. (Received Dec. 22.)*

SIR: As regards the condition of things in San Domingo, the neighboring republic of Hayti, I have learned from what I deem a reliable source that there exist there three parties engaged really, directly or indirectly, in the revolutionary movements at present progressing in that country.

Baez, the President of the republic, with his minister of war, Pablo Villanueva, and his chief general, José Maria Caminero, with a government force numbering from two to three thousand men, known as the "Reds," favoring annexation and progress in all those things which pertain to the moral and material welfare of the people, seems able to meet and defeat those who seek to overthrow the government.

Luperon, a leader of one of the factions of the people, said to be an able and daring man of great force of character, with some two or three hundred followers, as yet neither organized nor armed, but designated and described as the "Blues," favoring, like Baez, annexation and progress, is inclined to unite his forces with those of the government. If this be true, since the forces of the government are said to be loyal and firm as well as brave, the President must prove invincible and the government be sustained.

Gonzales, opposing both annexation and progress, insisting upon the payment of all national debts before incurring others, with a force numbering from three to five hundred, led by Isidoro Ortea, a young and dashing officer, and known as the "Greens," attempts the overthrow of Baez. His movement would seem to be a determined one, conducted with vigor and pertinacity. It is reported that he has the sympathy of the Haytian Government, and that he receives from it, also, material aid.

I cannot do more, as far as this subject is concerned, than to give report. *Le Moniteur*, the organ of the Haytian Government, of this date, announces the return of the minister of war and marine, who has been absent from the capital some four weeks, upon a man-of-war cruising in the neighborhood of Cape Haytien, near the border line between the two countries, in the following terms, as translated:

"General Auguste Montas, Minister of War and Marine, arrived Tuesday evening at Port au Prince, after having accomplished, to the satisfaction of the chief of the state, the important mission which had been intrusted to him in the north."

What "the important mission" was is not stated. It is to be hoped that it had no connection with revolutionary movements in San Domingo.

I am informed that the troops of Baez are in good condition, loyal and firm, and armed with the Remington rifle. His Minister of War and chief general are said to be brave men.

The promptness and vigor employed in the recapture of Puerto Plata, taken and held for three days by Gonzales, indicate that these statements are true. I have been informed that the troops of the government, when some weeks ago the insurgents captured Puerto Plata, taking refuge in the forts, opened a random fire upon the city, cannonballs striking houses indiscriminately, killing and wounding natives and foreigners, no proper discrimination being observed even as to the sacred and inviolable rights and privileges of our consul residing there. Indeed, I have just learned that he has felt it to be his duty, in view of the insecurity, to leave, and is now on his way home.

Gonzales is said to be intending to attack Santo Domingo City and to besiege Santiago. He is exhibiting such determination and vigor that the impression seems to be gaining ground, in spite of the facts already stated, that the revolutionists must succeed ere long, Baez be overthrown, and the leader of the insurrectionary forces become his successor in the government.

I do not present the facts and statements herein submitted as absolutely reliable. I believe them, however, to be substantially correct, and they have come to my knowledge in such manner, and from such source, and seem to be of such character and importance as to justify prompt communication.

I have, &c.,

JOHN MERCER LANGSTON.

No. 262.

*Mr. Langston to Mr. Evarts.*

No. 14.]

LEGATION OF THE UNITED STATES,  
*Port au Prince, Hayti, December 6, 1877.*  
(Received December 22.)

SIR: In accordance with instructions contained in your No. 4, dated November 7 ultimo; I have communicated with the Hon. Felix Carrié, Secretary of State for Foreign Affairs. A copy of my communication is herewith inclosed. I await the reply of the Honorable Secretary.

I have, &c.,

JOHN MERCER LANGSTON.

[Inclosure in No. 14.]

*Mr. Langston to Mr. Carrié.*

LEGATION OF THE UNITED STATES,  
*Port au Prince, Hayti, December 6, 1877.*

SIR: I have the honor to address you with regard to the imposition and collection of a tax of one per centum on the value of all consignments of merchandise shipped from the United States to Hayti, under a law passed by the Corps Legislatif, August 23

last, and which took effect and became operative on the 1st day of October last. It is very difficult to comprehend how this charge can be exacted as consular fees for certifying invoices. The amount of the charge is so great as to preclude such idea. And besides, the law itself provides that 15 per centum of the charges collected under it shall be used as such fees; the language of Article II being, "On these charges for authentications and certificates the consuls shall have a right to reserve (for themselves) 15 per centum."

Such charge cannot be regarded by the Government of the United States in any other light than as an indirect levying of a discriminating import duty imposed by Hayti on the commerce of the United States; and, as such, being in direct contravention of the spirit and letter of the treaty of November, 1834, between the Government of the United States and that of Hayti.

It evinces, moreover, on the part of Hayti, an absence of that feeling of reciprocity in the commercial relations between the two countries which it has been the special desire of the Government of the United States to cultivate and encourage as alike advantageous to both nations, and especially calculated to illustrate the spirit of friendship which should characterize the relations of two neighboring republics.

I embrace this opportunity to bring this subject to your attention, and to express the hope indulged by the Government of the United States, that the necessary orders will be issued by the Government of the Republic of Hayti for the discontinuance of this exaction, and provision made for refunding such amounts as may have been wrongfully collected.

Asking reply hereto, at your earliest convenience, I beg to present assurances of my highest esteem.

I am, sir, your obedient servant,

JOHN MERCER LANGSTON.

No. 263.

*Mr. Langston to Mr. Evarts.*

No. 16.]

LEGATION OF THE UNITED STATES,  
Port au Prince, Hayti, December 22, 1877.  
(Received January 8, 1878.)

SIR: I have the honor to transmit herewith inclosed the reply of the Honorable Felix Carrié, Secretary of State of Foreign Affairs, with regard to the imposition and exaction of one per centum on invoices of merchandise imported from the United States of America.

The reply is in no sense satisfactory. Its pretenses as to equalizing, upon more equitable and reasonable basis, the salaries of consular officers by the present method, greatly lessening their amount, and its claim that the Haytian Government may justly replenish its depleted treasury by such impositions, are sustained neither by considerations of law nor reason. Its pretense that under the present law no change is made in principle with regard to consular fees, that the same has been enforced for twenty years, and without protest, is not true and cannot be sustained. Formerly a fixed amount, accepted as reasonable, was exacted; now one per cent. is demanded; and one does not need to use his arithmetic but very little to demonstrate by the amount of the charge its illegality as well as the unsoundness of the principle upon which it is based. In view of these and kindred considerations, which I need not mention, I shall insist upon our demand already made.

I do not find that protest, on behalf of our government, was made against the passage of the present law while pending in the Corps Legislatif. Such protest I cannot but believe would have been wise.

I am, &c.,

JOHN MERCER LANGSTON.

[Inclosure in No. 16.—Translation.]

*Mr. Carrié to Mr. Langston.*

PORT AU PRINCE, December 13, 1877.

MR. MINISTER: I have the honor to acknowledge the receipt of your dispatch of the 6th instant, relating to the law which fixes a tax to be collected for the consular viséing of invoices of goods imported into Hayti.

As you doubtless have remarked, this tax not only affects the invoices of goods which are exported from ports in the United States, it covers in a general and equal way all goods exported from foreign countries; it establishes no privileges, and in consequence cannot constitute any infraction, either in spirit or in letter, of our treaty with the Republic of the United States, which stipulates in its clauses that the country which you represent shall always be treated on the footing of the most favored nation.

For the first time that I have the honor to enter *en rapport* with you, my government charges me to give you the assurance that it will always do itself the duty of maintaining, very highly, respect for this treaty, evidently concluded for the reciprocal advantage of the two republics.

In entering with you upon the discussion of the question on which we differ in opinion, I must first remark to you that the consular tax has existed with us since 1858, as you may verify by reading our customs legislation, that it has never ceased to be collected, and that for twenty years or thereabouts it has provoked no protest.

The modifying law of the 23d of August has only regulated in a more equitable manner these charges of viséing. It has established true proportionate duties, and with regard to this point no one can find any fault.

Moreover, the government, having recognized that the sums to be collected for viséing exceeded the legitimate remuneration due our agents, has allowed them fixed salaries, and has thus created for itself, with the sums over and above these charges of viséing, that which was its right, and moreover its duty, a source of income destined to meet its numerous engagements, considerably augmented in these last years.

I now reach the most important point of the question, and I declare that the duty of one per cent. against which you protest does not reach the commerce with the United States, nor, to speak in a general manner, that which we carry on with all countries across the sea.

In reality, all expenses which usually are put down on invoices of goods purchased abroad, commission of purchase and of money advanced, freight, insurance premium, &c., are necessarily added by the importer to the cost price of the goods when he determines the cost price and the one of resale.

That which happens as to these different expenses cannot fail to occur as regards those of consular viséing. It is therefore in final our internal consumption which will support these last, as in the purchases it supports those enumerated hereinabove.

Another consideration which it is important to set forth is that Hayti does not regulate the foreign markets, but that, on the contrary, it is the foreign markets which regulate ours.

We cannot fail to purchase our provisions in the United States, and this proposition being true and incontestable, it is the prices of the American markets which govern ours. If the contrary were true, from the moment that we had established this duty of one per cent. the economical and indisputable fact would occur that all American goods exported to us would be lessened in proportion, and this is what has not happened; which will not happen.

This duty, then, does not in any way affect the productions of foreign countries, inasmuch as it continues to sell its goods at the same price. It affects our internal consumption, because with us the cost-price of the goods having increased they will be sold at higher prices.

For these reasons I believe myself authorized to say that in the law of the 23d of August there is no absence whatsoever of that sentiment of reciprocity which ought to exist in the commercial relations of our two republics, and I hope that you will be pleased to recognize this fact after the explanations which I have done myself the duty to give to you.

Besides, it is an acknowledged fact that nearly all nations have their charges for (*chancellerie*) chancery and consular fees, which every country establishes and collects in its own way, according to its customs, its needs, and in the mode which seems to it the most advantageous.

You have better authority than I for knowing that, as regards the great republic which you represent, the sum total of this collection greatly surpasses the sum appropriated to the salaries of its agents abroad.

After this *exposé*, I do not believe that it is very necessary for me to dwell on the last paragraph of your dispatch, in which you express the hope that my government will hasten to suspend the execution of the law and give the order to refund the sum already collected in virtue of its provisions.



The executive in our country has no such extended powers. It does not pertain to him to stop the effects of a law, which is moreover of his initiation, which the Corps Legislatif has voted, and which he himself has hastened to promulgate.

If I should examine with you the consequences which might result from such a determination, you would assuredly recognize all the gravity of it, and besides the discussion which has been established between us has thrown such a light on the question that there must no longer remain any room for controversy.

The Government of the United States, I hope, will admit with us that its commerce, not more than that of any other country, is in any way damaged by the tax established on the invoices of goods imported by us, a tax the principle of which has existed for twenty years in Hayti, and against which none of the nations who sustain relations of commerce and amity with us have as yet protested.

Please receive, Mr. Minister, the assurances of my very high consideration.

The Secretary of State for Foreign Affairs, &c.,

F. CARRIÉ.

No. 264.

*Mr. Langston to Mr. Evarts.*

No. 17.]

LEGATION OF THE UNITED STATES,

*Port au Prince, Hayti, December 22, 1877.*

(Received January 8, 1878.)

SIR: In great haste, on the 6th instant, just as the mail was closing. I wrote and transmitted my No. 15, in which I advised you that a Spanish man-of-war had, on the 3d, anchored in this port, coming for the purpose of making inquiry with regard to the trial, conviction, and sentence of a Spanish citizen, D. José Santisi. This Spanish man-of-war was the Sanchez Barcaiztegui, Capt. Don Antonio Ferry y Rival, from Santiago de Cuba. After remaining from the day of her arrival to the 12th she left, and on the 14th another Spanish man-of-war, the Don Jorge Juan, Capt. José Maria Antran arrived.

The arrival of the first man-of-war produced considerable excitement. Her sudden departure and the arrival of the second, especially since it had been reported that the latter had come bearing an ultimatum of the Spanish Government with reference to matters in difference between it and the Haytian Government, and with instructions, if the "ultimatum" was not accepted, to bombard this city, increased greatly the excitement, and no little anxiety was exhibited by all classes of the people and the government. This whole matter assumed in a few hours a very serious character. The second man-of-war did come bearing the ultimatum of the Spanish Government, translation of which ultimatum is herewith inclosed.

When the Haytian Government had prepared its answer, a translation of which is herewith inclosed, it invited the gentlemen, members of the corps diplomatique, residing in this city, to a conference upon the subject at the national palace, at 5 o'clock p. m. on the 18th. There were present the President of the Republic, members of his cabinet, with several distinguished politicians and statesmen of the country, and the ministers and chargé d'affaires of England, America, Germany, France, Liberia, and the consul of the Netherlands. The ultimatum and the answer were read, and the President and the Ministers of Foreign Affairs and Justice gave full and concise explanations of the several matters of grievance presented therein, to which the attention of the corps diplomatique was particularly invited.

After a brief private conference of the members of the corps, it was concluded that each member should submit his own judgment to the

authorities of the Haytian Government according to his own sense of propriety and duty. In this conference, as well as at a meeting of the corps held at 12 o'clock meridian of the same day, I stated frankly and positively that I could not consent to allow any one, not even the Dean of the corps, my excellent colleague, R. Stuart, esq., to speak for me upon such matter, under such circumstances. I considered the matter delicate; and by no fault of utterance or injudicious expression of opinion, must my government be compromised. My position was at once approved, and each member of the corps spoke for himself. I simply stated that I should report the facts of this matter as I understood them to my government, and that I should await such instructions as it saw fit to give. This was substantially the position of each member of the corps.

I inclose herewith the note sent me by the government inviting me to attend the conference, the first in its original French and the second the translation.

The President and the members of the cabinet explained with general satisfaction the facts concerning the trial and sentence of Fernandez, Santisi, and Despeaux, as well as the charges of indignity to the Spanish flag, insults to the Spanish consulate, and the "many omissions of respect" to Spanish officers. As against the statement of the ultimatum the explanations of the government were submitted with apparent sincerity and a lively consciousness of their truthfulness. I have not been able to examine the records of the courts to verify the correctness of the explanations forwarded upon judicial investigation, nor to make inquiry as to the others, beyond the declarations of the government.

The members of the corps diplomatique did not go to the palace unadvised as to the attitude of the Spanish Government toward the Haytian. Captain Autran had, early on the morning of the 18th, transmitted to the Dean of the corps a dispatch, a copy of which in Spanish, with translation, is herewith inclosed, communicating the purpose of his visit.

As already indicated, the corps, at the invitation of the Dean, met to hear read and consider as far as the attitude of the Spanish Government concerned the rights and interest of our respective governments and had relation to our duty with respect to the Haytian Republic. At this meeting, after due interchange of views, it was concluded that the position to be taken by each one of us was, first, as far as our different governments are concerned, to put ourselves upon guard as to their rights and interests, and to demand, whatever may be the grievance of Spain as against Hayti, and however the former may attempt to secure redress, indemnity, or guarantee, no right and no interest of our respective governments is to be invaded or jeopardized; and, secondly, in so far as any duty toward Hayti, enjoined by considerations of humanity, or international law, or usage, pertains to all or either of us, it must be met with wisdom and courage.

These propositions I had the honor to advance and sustain to the approval and acceptance of my colleagues; and I do not doubt that they will receive your indorsement, and my conduct in this behalf your approval.

Early on the morning of the 19th, the Dean of the corps diplomatique invited the members thereof to another meeting, when we were advised that the matters of difference between the two governments in all probability could be settled in an amicable manner; that Captain Autran might consent to settle, even in the manner proposed by the Haytian Government, all the matters in debate except the one described in Section 2 of the ultimatum. The captain would insist, we were told, accord-

ing to his instructions, that the insult named in this section be effaced by salute of the Spanish Pavilion with 21 guns, by the Haytian Government, as required in the ultimatum. The corps, as a body, simply heard the statement of the Dean, and without advising formally special action by the Haytian authorities, adjourned.

Learning shortly thereafter that the adjustment indicated could be accomplished, and that the Haytian authorities, upon more mature reflection, were prepared to admit that the charge as presented in Section 2 of the ultimatum was substantially true, I concluded and so stated to President Canal and the Hon. Felix Carrié, Secretary of State for Foreign Affairs, that it seemed to me to be, under the circumstances, wise to comply with the conditions named. The expression of this opinion, I am persuaded, had no inconsiderable influence in bringing the President and his advisers to the conclusion to fire the salute of 21 guns as required, and settle thereafter other matters of dispute according to the terms and their answer.

Agreement was had accordingly, and on the morning of the 20th, fifteen minutes before ten o'clock, the salute of 21 guns was fired from the Haytian man-of-war, le Mil-huit-cent-quatre, (the eighteen-hundred and four), answered by a response from the Spanish man-of-war. The response, though not altogether formal, was satisfactory. Besides, exchange of ceremonies and friendly visits were made by the officers of the Haytian Government and captain of the Spanish man-of-war; and the captain with commendable haste paid his respects to the President of the Republic at the national palace.

Thus a matter of difference which bade fair to become very serious was adjusted without disturbance of national or international relations, without the loss of life or damage of property.

Although the corps diplomatique, as already stated, took no formal action in the premises, and did not in terms direct the Dean as to the course to be pursued, it so far and in such manner expressed the hope and indicated the desire and purpose to have every proper and legitimate step taken to amicably settle the differences, that the Dean, understanding this very well, performed his duty with vigor and wisdom, to its satisfaction.

It is proper that I state, in this connection, that he took no steps without advising freely with me; and the merchants and citizens generally, as well as the authorities of the government, express hearty commendations of our prompt, and, as they say, wise action in behalf of national peace, order, and harmony.

Quiet and good order now prevail here. Business confidence is steady, and the adjustment of the differences of the two governments is warmly approved.

I am, &c.,

JOHN MERCER LANGSTON.

---

[Inclosure 1 in No. 17.—Translation.]

*Commandant Autran to the Minister of Foreign Affairs.*

To His Excellency Monsieur the Minister of Foreign Affairs of the Haytian Republic:

SIR: The difficulties between the Spanish Government and that of Hayti, resulting out of insults received by the Spanish nation in the capital even of the Republic, have reached such a point, and the opposition of the Haytian Government, at the same time, to satisfy the rightful claims which ours has constantly made is so tenacious, that the Spanish Government has taken, finally, its resolution, in such a violent situation,

it pretends as much as it is its right, that its flag be respected, and its representatives be shown the respect which is due to them.

The unjust condemnation which has recently been pronounced upon a Spaniard named D. José Santisi, and the unfruitful results which my predecessor, the commander of the Barcaiztequi, has obtained in favor of his liberty, as result of his innocence, proved by the decree of the Tribunal of Cassation, circumstance which had not been brought to the knowledge of Monsieur Terry, nor the copy of the declarations which were favorable to Santisi, and which prove the unjust decree of the said tribunal, all this indicates clearly that the Haytian Government is not inclined to act with the justice which is proper, and that motives which I do not allow influence it to follow a line of conduct which is as dangerous as it is incomprehensible.

The Government of His Catholic Majesty does not intend to remain any longer inactive, and in the instructions which I have received through the medium of my immediate superior chief, who commands me to press the demands made, confiding this delicate mission to the navy, that it may act in the form and measure necessary, that the Spanish honor and dignity remain at their natural standard.

Now, I must frankly state that the past grievance and the recent one of Santisi are of such a nature that they form part of those for which I came to demand redress. The demands presented by the consul of Belgium, Mr. C. Ritter, in charge of the consulate of Spain, have proved ineffectual, and the desire of the Haytian Government to prolong this state of things, humiliating to the last degree for the glorious Spanish flag, so manifest that I have resolved to take upon my shoulders the responsibility of making the following demands; but before formulating and giving to them the solemn character of last pacific manifestations; before leading you to believe that my absence from this port indicates, for a future more or less near, demands supported by sufficient forces, it becomes my duty to recall to the Haytian Government the number and the character of the injuries received by Spain, in order that by these means the justice and equity of the reparations which I am about to demand may be understood.

1st. The Haytian Government, which ought not to misunderstand the independence of its own judicial power, which, during the command of General Domingue, had condemned to three years of forced labor the insurgent Cuban D. Manuel Fernandez, which ought to know that the sentences of this power are without appeal, that a change of chief, in the executive power, does not authorize them to modify its legal and solemn sentences, which are the only guarantees of social life; and if the sentences of this power, pronounced after having recourse to all the competent tribunals, are absolutely obligatory in the territory where they are pronounced, they are much more so when some interest of the foreigner is in question; that this interest, in the present case, is the honor of the Spanish nation, which peremptorily demands the punishment of a man who, without recognized flag, a proscrip and outlaw, has outraged her in this same territory, and who holds the perfect right to let fall the weight of the law itself on him.

This government at length, which knows all this, but which, according to all appearance, is disposed to trample on all, not only despises its own judges and the laws of its own country, but which, by opening new judgment on the said Fernandez, or pretending to annul the last one, darts open insult to the Spanish nation, which holds the unquestionable obligation to repress it.

2d. The President, the government, and the Haytian marine, which ought not to be ignorant of the mutual interchange of courtesy to which are bound all civilized people, without exception, and which received the visits of the commander of the Spanish war-steamer Bazan, in August of last year, allowed themselves the insolent liberty of not returning them. This offense to the flag of Spain and many omissions of respect to our officers as the result of such attitude do not require commentaries, and do not call for any efforts of imagination to show the necessity in which the Spanish Government finds itself to seek immediate redress.

3d. Between the 10th and 11th of October, also of last year, Haytian subjects, and with them some Cubans, insulted the Spanish consulate, with the cries of "Down with Spain, and long live free Cuba!" and the authors of these insults have not even been punished on the pretext that these acts occurred during the night, and that the authors of it could not be recognized, unless they were designated by the consulate. Your Excellency is perfectly aware of the fact that no government whatsoever can, in any case, require of foreign representatives the duty of pointing out and recognizing natives or others; nor hope that in a matter like the one which occupies me, it would be proper for the consul to seek to identify persons, in order to denounce them to the local authorities. Every government has the exclusive mission to guard the inviolability of the foreign domicile, and to use the force at its disposal in order to prevent its being insulted or degraded, and it is absolutely incumbent upon it to punish the promoters of such like acts of savage felony.

4th. The 3d of March of this year, a Mr. Despeaux insulted the Spanish flag hoisted at the consulate. This fact, according to notification of the Haytian Government, was

given cognizance of at the Department of Justice, and nothing has resulted from it. Neither does this fact call for commentary of any kind.

5th. During the first days of July of this year, various stupid vagrants trampled under foot the Spanish Pavilion, at the doors of a panorama, without any other satisfaction having been received of the Haytian Government than the inadmissible narration that this flag had been torn by the basket carried by a saleswoman on her head and around which it had become twisted. Your excellency will readily perceive that such an excuse, were it sufficient, is but a new insult added to those which I have just brought to your notice.

6th, and last, comes recently the condemnation to death of the Spaniard, D. Jose Santisi, whose unjust judgment and the unwonted sentence have been qualified by the Belgian consul, who is charged *ad interim* with Spanish affairs here, as a "judicial murder," and this signifies that the Haytian Government, denuding itself of all sentiments of honor and justice toward Spain, pretends to throw down the gauntlet to us, not knowing assuredly, in its insane delirium, that it will be taken up at fit time and circumstance.

For this reason, and as reparation to the Spanish nation, so unjustly offended, the Haytian Government will give the following reparations:

1st. In any one of the batteries of the forts, or on some vessel of war, the Spanish Pavilion shall be hoisted and saluted with twenty-one guns, for the effacement of the insults of which I have spoken to Your Excellency, and which are signaled in paragraphs 2, 3, 4, and 5. The Haytian Government will at the same time officially promise to Mr. the consul of Belgium and to the Dean of the consular corps in this city, that it will effectually seek out and punish, if they are found, the parties to these excesses, and especially Mr. Despeaux, who to the present time has remained unpunished.

2d. The government of President Boisrond Canal will immediately impose on the insurgent Cuban, D. Manuel Fernandez, the punishment of three years' forced labor, to which he has been condemned by the competent tribunal and in the full enjoyment of its legal functions.

3d. The Haytian Government will order that the Spanish subject, D. José Santisi, will be immediately handed over to me unconditionally, unless that in the short delay which remains to the government it be fully proved that he be guilty, and in that event that no other penal laws be imposed on him than the one applicable to his case by the code.

In order that the Haytian Government may have sufficient time to meditate on its future acts, I grant it a delay of seventy-two hours, or three days exactly; this delay passed, and whatsoever shall be the result and the decision which the said government may take, I shall leave the port and will go to Santiago de Cuba, in order to give account of my mission to the authorities which have sent me.

I shall feel a deep sentiment of regret if the Haytian Government, not duly considering the justice of the Spanish cause, should persist in refusing the reparations demanded; but this sentiment would at the same time be counterbalanced, in view of this consideration toward Spain and my government, whose reputation stands perfectly shielded against all censure, since repeated efforts have not been wanting in order to avoid a rupture, which, if it becomes inevitable in a future more or less distant, will fall down forcibly and solely on the heads of those who have themselves provoked it.

In the meanwhile I pray God to have your excellency in his holy keeping.

Port au Prince, December 17, 1877.

JOSE MARIA AUTRAN.

[Inclosure 2 in No. 17.—Translation.]

Mr. Carrié to Commandant Autran.

PORT AU PRINCE, December 18, 1877.

MONSIEUR LE COMMANDANT: I have received through the medium of the Chargé of the Consulate-General of Spain your two dispatches of the 17th instant, the first one remitting an extract of the instructions which have been transmitted to you by the admiral of the Spanish squadron of the Antilles, the second containing a recapitulation of the grievances of His Catholic Majesty against the Government of Hayti, and presenting the reparations which, without previous discussion, you demand of it in a space of time which must not exceed seventy-two hours.

I have hastened to communicate your dispatches to the President of the republic, in his council of secretaries of state, and I must not let you remain ignorant of the fact that my government, without wishing to discuss at present all the facts advanced in the last, reserving for itself this discussion for a more seasonable period, has been painfully affected by its expressions, which neither spare its just susceptibilities nor those of the nation whose destinies it directs. Whatsoever the motives which may

have dictated a dispatch of such importance, the international right assuredly imposed upon it the obligation of abstaining from all offensive and unmerited expressions, inasmuch as the most constant preoccupation of my government has ever been to conserve always in its intercourse with the foreign agents accredited to us that respect of diplomatic usage which establishes so much better the justice of a cause, inasmuch as it only makes use of the force of real and decisive arguments, completely void of all injurious expressions.

Right and justice commanded, under the circumstances, a kindly reciprocity. In proof of my assertion, I take to witness the high impartiality of all the diplomatic agents constantly in relation with us; and I even doubt that the Consul-General of Spain in Hayti could dispute the evidence and the veracity of it in presence of the long correspondence which my government has had the honor to exchange with him on the different questions which occupy us still until this day.

The opinion which I have just expressed in regard to diplomatic forms and proprieties does not seem to me to be foundationless. It is approved, you will admit, by the authority of the greatest publicists and lawyers, and it is sustained by these masters, whose precepts are followed by all civilized nations of the globe, that my government shall examine, in due time, with your own, if it will allow it, the communications which you make and the grievances which you have accumulated against it.

With a Consulate-General of Spain acting in Hayti, your government has thought that it was necessary to confide to its navy the care of settling the difficulties pending between our two governments, and the first dispatch which you have had forwarded to me sets forth in a lengthy manner your grievances. You do not submit them, as I have already stated, to previous discussion, and, without waiting for any reply from us, you dictate the reparations which you demand.

It has seemed to my government that such a course of proceeding was little in conformity with the usages of contemporaneous international right, and it has always believed, not without some reason, perhaps, that the signification of an ultimatum which gives a mandatory a considerable power, namely, that of placing in peril the greatest national and foreign interests, should only be done after exhausting entirely all measures of conciliation of the nature of preventing a violent rupture.

To listen to the grievances of your government, placing under the eyes of commissioners, provided with full powers, all the correspondence exchanged to that effect by our respective agents, all the papers pertaining to it, enlightening the questions by means of the torch of truth, supported by the opinion of the great masters of the science of law, exposing the causes of the loyal conduct which we have constantly held, placing the commissioners of Spain in position so as to judge in an impartial manner to recognize the grievances, if any are really found, to discuss and establish definitely the just claims which they might occasion—such was Mr. le Commandant, the duty of my government, and it pertained to you to put it in a way to be able of fulfilling it in a manner worthy as well as loyal.

You have thought differently and preferred the resource of the ultimatum.

Our right, our duty, our dignity, demand that we protest against such a proceeding, to repel with energy, but with the circumspection due in such circumstance the intentions and the stand taken which you attribute to us, to have desired to give insult to a nation, whose sovereign has received from President Boisrond Canal, from the very accession of the new government, as proof of his desire of maintaining and of binding more closely our good understanding, a letter which until this day has remained unanswered!

Nothing, however, has been able to alter our sentiments in regard to Spain.

We have attributed to you having more pressing occupations the delay which the President of our Republic has personally experienced. The annoyances of all kinds which we have had to endure, we have attributed them not to resolutions settled on beforehand by Spain, but to interested suggestions, to a concourse of circumstances, the effects of which have been felt as growing out of such a state of affairs, and we concluded that the moment would arrive when all these difficulties would be settled.

After your dispatch, after the signification of your ultimatum, remains there yet place for propositions of conciliation and good understanding? We believe so. For my government, in presenting to you its painful emotions in protesting against your ultimatum, has kept itself within the law, and has respected all the usages enjoined in like circumstances. It is here that the principle of reciprocity would prove blamable, for it is not allowed to do that which is blamable. Hence, if Spain desires it as we do, the moment has arrived for Haytian and Spanish commissioners, clothed with full powers by their respective governments, in order to open conferences in relation to our pending difficulties, that we may settle them, allotting to each the part of responsibility which ought to rest on him; thus we will arrive at establishing for the future real relations of peace and good unity. This is what I have the honor to propose to you in the name of my government. A question of law and justice can only be settled in accordance with immutable principles, wherein lies the force and greatness of nations.

I shall not conclude, Monsieur le Commandant, without informing you of two resolutions of my government. One will already have been accomplished when you shall receive this dispatch.

The members of the diplomatic corps have been called together at the national palace, and we have given them cognizance of your dispatch and of my answer, which I transmit to you through the medium of your Consulate-General. We have deemed it our duty to act thus under the circumstances, for the foreign interests which will find themselves involved (in case of a rupture), from which may God protect us, are so extended, that we must take all the measures which are necessary to release us from responsibility, and to let those bear the weight on whom it belongs—that of the gauntlet which is thrown to us out of motives which the entire world may be able to appreciate. This last consideration has dictated us the second one of our resolutions.

We will hasten to give publicity to a memorial which shall relate all the facts of our difference of opinion with all the pieces of the demands annexed.

The opinion of my government, I do not hide it from you, Monsieur le Commandant, is that the Government of His Catholic Majesty will feel how necessary it is to enlighten itself before having recourse to extreme measures, which assuredly it would regret later; if it would discover too late that unfortunate promptings had caused it to deviate from the path of right and truth; a path which it has always followed when called upon to settle differences with nations which sustain relations of peace and good friendship with it.

It is in the firm hope, Monsieur le Commandant, that the propositions of my government will be accepted by that of His Catholic Majesty, for whom I have the honor to beg you to be pleased to receive the assurances of my highest consideration.

F. CARRIÉ.

---

[Inclosure 3 in No. 17.—Translation.]

*Mr. Carrié to Mr. Langston.*

PORT AU PRINCE, December 17, 1877.

MR. MINISTER: In view of the attitude taken by the commander of the Spanish aviso, the Don George Juan, and of the ultimatum which has just been signified to us, the government, in a conjuncture which threatened as well the foreign interests in Hayti as our own, has thought that it could not do better than submit to you its answer to the Spanish commander as well as the ultimatum which it has received. It begs you kindly to repair to-morrow at five o'clock in the afternoon at the national palace, in order to take communication of these papers.

Be pleased to receive, Mr. Minister, the assurances of my very high consideration.

The Secretary of State for Foreign Affairs,

F. CARRIÉ.

MR. J. M. LANGSTON,

*Minister Resident of the United States of America at Port au Prince.*

---

[Inclosure 4 in No. 17.—Translation.]

*Commandant Autran to the British consul.*

To Mr. Consul of Her Britannic Majesty, *Doyen* of the diplomatic body in this place:

(Aviso Don Jorge Juan.)

SIR: The unjustifiable and violent attempts of which Spain has been the object, on the part of the Haytian Government, at different times, have at length produced the fruits which were to be expected. Those attempts have assumed distinct forms, all of which are most insulting and offensive; and although the Government of His Catholic Majesty, very much occupied with matters of a far different nature and of the highest importance, has not yet bestowed special attention on such a state of things, it considers them now of such magnitude, that they have driven it to demand the reparations which are due to it, and which, if delayed, would cause a deep wound to the dignity of one of the noblest and most valorous nations of the earth.

The conduct pursued by the Haytian Government is inconceivable, and I have the certitude that circumstances would never have arrived at the extreme in which they now are if the Cuban insurrection had not existed. Those separatists of the great Antille who do not find in their breasts sufficient breath to meet the charge of the Spanish bayonets are scattered in the nearest foreign places, with the object of creating at every step international difficulties, and to lend aid to those who have risen in arms. Much injury have they done and continue to do as well to the government

which combats them as to their own country to which they owe their existence, and great are the sympathies, likewise inexplicable to me, which they have met with in Jamaica, Nassau, Cayo, Hueso, St. Domingo, Hayti, and other places. But where those sympathies have cast deep roots and caused the perpetration of unheard-of wrongs, has been without dispute in the last-mentioned republic. That state, not knowing to what degree it was bound by its imprescriptible obligations to be very cautious and reserved in the manifestation of such a culpable sentiment, has, nevertheless, trampled on all the rules of propriety and despised the precepts of international right, so that any one of those insults for which I came to demand account is more than sufficient to promote a conflict disagreeable and bloody.

The Haytian Government, imagining that the forbearance and patience of the Spaniards are sure symptoms of weakness or evident demonstrations (proofs) of the want of material resources wherewith to be able to demand reparation, has repeated its acts, shielded, seemingly, behind the apparent indifference of the offended nation. However, it has been deplorably mistaken, and it is more than probable that it will be convinced to its cost that that ostensible and prolonged silence was due to very different causes and motives.

Spain, the faithful depositary and jealous guardian of justice and of right, consequently, with the disposition especially generous of its elevated character, entertains unusual consideration for all other people, and never have her exigencies with any one been intended to humiliate or ridicule; she always succeeds and has succeeded in maintaining herself in her foreign relations at the level of the most absolute equality; and though her pride and susceptibility awake up and break forth easily at the touch of any offense offered by strong and powerful nations, they are very slow in showing themselves when the aggressor is relatively weak and they lack the means to sustain by force their extravagant pretensions.

It may be that the Haytian Government professes principles of national right which are unknown in Spain and in the rest of the world, or does it think it just that its visible material weakness should authorize it to despise the obligatory axioms of the moral universe? I know not. The day will come, without doubt, and I hope it with all confidence, for I have sure faith in the real human progress—the day will come when the offenses which one people offers to another will be respected, and they will be solemnly protested against, not only by the representative of the country interested, but also in like manner by all those of other countries. Then would be constituted a moral theory, clearly perceptible, that an insult aimed at any one of them is a threat which is made to the others, who are under the necessity to repel it collectively and vigorously. Nevertheless, so long as that legitimate and more or less distant future of right of nations and of diplomacy is not realized, I see myself compelled to demand, solely from the Haytian Government, full reparation for its irregular proceedings.

And this attitude of mine is not the result of a resolution lightly and inconsiderately taken. It is a necessary consequence of the subject which I have just explained, and which I do not deem inconvenient to place within your reach, inasmuch as it constitutes a debt of conscience, to the end that my country be not accused for the grave events which, at occasion and time still unknown, may take place in this territory, because I am refused by those who are at the front of its destinies the satisfaction they are bound to give. I shall seek that at all times we may in Spain be able to make it appear, and even oblige those who write the pages of history to see that if we are obliged to make use of force, causing grave and irreparable prejudice to individuals of other nations and to the peaceful natives, it has been after exhausting our magnanimity and patience, all the resources of the most measured persuasion and all the helps of words and of writing.

Still, before formulating the precise terms of the reparation which I am in the case to demand in the name of my government, it suits my purpose and before express promise, to inform you of the grave charges to which I have referred, and which are of the following tenor:

1st. The Haytian Government, which ought not to be ignorant of the independence of its own judicial power, which during the command of General Domingue had condemned to three years of forced labor the insurgent Cuban, D. Manuel Fernandez, which ought to know that the sentences of this power are irrevocable; that a change of chief in the executive power does not authorize them to modify those sentences, legal and solemn, as being the only guarantees of social life; that if the sentences pronounced by this power are obligatory in absolute respect of the territory in which it acts, they are much more so when some interest of the foreigner is in question; that this interest, in the present case, is the dignity of the Spanish nation which peremptorily demands the punishment of a man who, without recognized flag, a proscrip, and outlaw, has outraged her (the Spanish nation) in this same territory, and who holds perfect right to what is above the charge, the weight of the law itself—this government at length, which knows all this, but which, according to appearance, is disposed to trample on all, not only despises its own judges and the laws of its own country, but which, by opening new judgment on Fernandez or pretending to annul the past,



darts open insult at the Spanish nation which holds the unquestionable obligation to repress it.

2d. The President, the government, and the Haytian marine, which ought not to be ignorant of the mutual interchange of courtesy to which are bound all civilized people without exception, and which received visits from the captain of the Spanish war steamer Bazan, in August of last year, allowed themselves the insolent liberty of not returning them. This offense to the Spanish flag, and many omissions of respect to our officers, as the result of such attitude, neither require commentaries, nor call for efforts of imagination to show the necessity in which the Spanish Government finds itself to seek redress for them without delay.

3d. On the 10th and 11th of October also of last year Haytian subjects, and with them some Cubans, insulted the Spanish consulate with the cries "Down with Spain" and "Long live free Cuba," and the authors of such misbehavior have not yet been punished, on the pretext that the acts occurred during the night, and the authors could not be recognized unless the consulate pointed them out. You are perfectly aware that no government whatsoever can require of foreign representatives in any case the duty of pointing out and recognizing natives or others; and in a manner like the present the Spanish consul, in identifying persons in order to denounce them, would be taking the place of the local authorities. Every government has the exclusive mission to guard the inviolability of the foreign domicile, and to make use of the force at its disposal to prevent its being insulted or lowered, and it is absolutely incumbent upon it to punish the promoters of such outrageous and savage felonies.

4th. The 3d of March last a Mr. Despeaux insulted the Spanish flag hoisted at the consulate, cognizance of which, according to notification of the Haytian Government dated the 2d of April, was taken at the Department of Justice, and there was no result. Neither does this fact call for commentary of any kind.

5th. In the beginning of July last various stupid disturbers trampled upon (or pulled down) the Spanish Pavilion at the doors of a panorama, and as yet no other satisfaction has been obtained from the Haytian Government than that it was broken (torn) by a saleswoman, having caught in a basket which she was carrying on her head.

6th and last. Recently has appeared (has been published) the condemnation to death of the Spanish subject Don José Santisi, which unjust judgment and unusual sentence have been qualified by the Belgian consul, who is acting Spanish consul, as a "judicial murder"; and that means that the Haytian Government, voluntarily relinquishing every sentiment of honor and justice with respect to Spain, pretends to throw down the gauntlet to us in its insane delirium, not knowing assuredly that it will be taken up at fit time and circumstance.

On my arrival at this port I took the utmost care to inform myself of the particulars which have brought me here; and the sad reality has shown me that it is not possible for me to obtain any advantage for my country by the ordinary and current means. The circumstances of a stranger being the bearer of our claims, and the little fruit that as yet they have produced, notwithstanding the good desires and recognized talent they have constantly put in action, which induces me to suspect that to any other Spanish agent (*encargado*) the same would have happened. The same case has resulted from the official demands of my worthy predecessor, the captain of the Barcaiztegui; the marked bad faith with which the Haytian Government acts since years with the Spanish; the propensity of this same government to make delays to all claims, aiming at weakening the course of diplomacy; the same temper of the superior instructions I have received, and above all that, my own conviction that the supreme moment is come to exercise the last peaceful argument, have placed me in the precise case to throw on my shoulders the responsibility of this business, obliging me to extend and magnify my own personality in the identical proportion in which have increased the difficulties which surround me.

In its virtue, and as satisfaction to the Spanish nation, so deliberately and unjustly hurt, the Haytian Government will give the following satisfaction:

1st. In any one of the batteries of the forts, or in some vessel of war, the Spanish Pavilion shall be hoisted, which shall be saluted with twenty-one guns, for the effacement of the insults of which I have spoken to you, marked with the numbers 2°, 3°, 4°, and 5°; at the same time the Haytian Government will promise officially to the Deau of the diplomatic corps and to Mr. Consul of Belgium, in charge of the affairs of Spain in this place, that it will effectually seek out and punish the parties to these excesses, if there have been any, especially Mr. Despeaux, who, to the present time, has remained unpunished.

2d. The government of President Boisrond Canal will also indict immediately on the insurgent Cuban, D. Manuel Fernandez, the punishment of three years' forced labor, to which he was sentenced by a competent tribunal and in the full enjoyment of its judicial functions.

3d and last. The Haytian Government will hand over to me immediately and without conditions the Spanish subject D. José Santisi, unless that, from what can be proved in the short time which is to be allowed to the said government, his culpability should

be fully proved; and, in such case, that no punishment be inflicted on him other than what is established for his offense.

In order that the Haytian Government may have sufficient time to meditate on its future acts, I concede to it a term of seventy-two hours, or, in other words, three days exactly; that term past, and whatsoever shall be the result and decision which the said government may take, I shall quit the port and pass to Santiago de Cuba and give account of my mission to the authorities which have sent me.

I have likewise to make known to you that, in consequence of the want of courtesy shown to the captain of the *Bazan*, I shall visit only the Dean of the diplomatic corps and the Belgian consul in charge of the affairs of Spain. If any of the authorities or the President himself should desire to have an interview with me, they will necessarily have to come on board to obtain it.

I have endeavored, in executing my difficult task, to adapt myself strictly to the prescriptions of the law of nations, and which I will always follow (*celebraré infinito*), that the inflexible severity and firmness of which I give and shall continue to give proofs to that end, and which indicates an unchanging purpose to direct it to the last effort of agreement, will meet a sympathetic echo in your heart and intelligence.

I beg of you as briefly as possible to be pleased to acknowledge the receipt of this communication, for which, by anticipation, I beg you, with all enhancement, to receive the distinguished expression of my gratitude and the most affectionate demonstrations of my greatest consideration and esteem.

JOSÉ MARIA AUTRAN.

PORT AU PRINCE, December 17, 1877.

---

No. 265.

*Mr. Langston to Mr. Evarts.*

No. 21.]

LEGATION OF THE UNITED STATES,

*Port au Prince, Hayti, January 9, 1878. (Received January 25.)*

SIR: I have heretofore, as an inclosure to my No. 16, transmitted a copy of the dispatch of the Hon. Felix Carrié, Secretary of State for Foreign Affairs, dated December 13, 1877, having reference to the imposition of one per centum on invoices of merchandise shipped from the United States to the ports of this republic. I have the honor to transmit herein inclosed a copy of my reply thereto, and to state that I await the answer of the Haytian Government; as soon as it is received, I shall transmit it.

With sentiments, &c.,

JOHN MERCER LANGSTON.

---

[Inclosure in No. 21.]

*Mr. Langston to Mr. Carrié.*

LEGATION OF THE UNITED STATES,

*Port au Prince, December 26, 1877.*

SIR: Please accept my grateful acknowledgments for your reply of the 13th instant, to my dispatch of the 6th instant. Referring to a conversation had with you this morning, I beg to state, as you already understand, that your communication just mentioned is not satisfactory to my government. Whatever may be true in regard to the general application of the consular imposition and exaction referred to, it is still the judgment of the American Government that it contravenes and infracts that commercial reciprocity as between that government and the Haytian which is enjoined at once by the spirit and letter of the treaty of 1864, and I am persuaded that under the circumstances, with a treaty subsisting between the two nations, an imposition which might, indeed, be equal and general in its application as construed in the light of recognized principles and usages in the absence of such treaty, might be anything other than just and reasonable as interpreted in the light of such treaty, and as applied to either nation being a contracting party thereto. In view of this fact, and with due consideration of the object, the terms and the past and accepted interpretation of the

treaty as well as the relations of perfect, firm, and inviolable peace and sincere friendship "prevailing between our governments," in all of the extent of their possessions and territories, and between their people and citizens, respectively, without distinction of person or places, it is respectfully submitted that no other position can be justified by law or reason, than that assumed by my government, especially as the contracting parties sought, in making the treaty, "to place their commercial relations upon the most liberal basis."

With regard to the consular tax as established by the law of 1858, and subsequently altered and fixed by the law of 1877, it cannot be admitted that the principle upon which the two laws are based, and the charges determined, are identical. According to the former a definite and fixed charge, determined in each case by the value of the invoice of merchandise, is established, with limit fixed and charge prohibited above a certain amount; as from \$1 to \$100, 50 cents; and as from \$20,001 and above, \$10. In no case can the consul or commercial agent collect for authentication of invoice a sum exceeding \$10.

Whereas, under the law of 1877, the rule of 1 per centum on the amount of invoices of merchandise is established, and the consul or commercial agent may charge according to the value of the invoice whatever amount is justified by this rule, there being no limit as under the former law. An invoice of \$50,000, according to the latter law, yields, in the form of consular charges, \$500. For like service in making authentication of invoice, whatever the amount, the consular agent of my own government receives only \$2.50. The consul or commercial agent of your government receives 15 per cent. of the amount collected for himself. In the case supposed he gets \$75, while the government receives \$425.

It will be found quite difficult, it is believed, to justify, upon any accepted principle of reason or law, such imposition. It certainly cannot be justified, as you claim, upon the ground that the law of August 23, 1877, regulates in a more equitable manner consular charges, and establishes true proportionate duties; nor upon the principle that it reduces the remuneration due your consular agents. In fact, it greatly increases their compensation. Nor upon the principle that it does not reach our commerce, since your own citizens are the consumers and must pay these charges as well as the original cost of the merchandise. You will agree with me that in proportion as merchandise becomes, by reason of government impositions, costly, the number of persons able to purchase it is decreased, and commerce is disadvantageously affected accordingly. The people of your government form no exception to this rule, and American merchants in this case may very properly enter their complaints, and my government its protest. Nor can it be justified upon the principle that your government increases thereby its revenues, and is thus enabled to meet more readily its liabilities. A nation may very well and justly augment her revenues by legitimate impositions; it may be her duty to do so, in view of her obligations and to maintain her credit; but impositions exacted in violation of treaty engagements cannot be supported in view of any such consideration. The treaty obligation is binding, and to be observed at all events; to its maintenance the national good faith is solemnly pledged.

The abstract right of the Haytian Government to act in such matters, to make impositions according to her discretion, is not denied. It is only when charges of the kind herein referred to, contravening treaty engagements, and being so excessive as virtually to constitute an export tax, as in this case, that my government remonstrates.

Hence it is, as in my former dispatch with reference to this subject, the discontinuance of this exaction and provision for refunding amounts which may have been wrongfully collected, are respectfully but earnestly urged.

With assurances of high consideration, I am your obedient servant,

JOHN MERCER LANGSTON.

---

No. 266.

*Mr. Langston to Mr. Erarts.*

No. 23.]

LEGATION OF THE UNITED STATES,

*Port au Prince, Hayti, January 24, 1878. (Received February 9.)*

SIR: I have the honor to transmit herewith inclosed, in French and English, copies of the reply of the Haytian secretary of state for foreign affairs with regard to the one per cent. tax on invoices of merchandise shipped from the United States to Hayti. He maintains the position heretofore assumed by the government. As already stated, I do not regard his position as tenable, nor his arguments in this and his former

dispatch as in any sense conclusive. I am prepared, therefore, to receive from you positive and decisive instructions on this subject.

In conversation with President Canal a few days ago on this subject, he intimated to me that any difference had between his government and my own with regard thereto might be settled, if need be, by arbitration. I replied that it seemed to me quite apparent that the imposition and exaction were plain violations of the treaty of 1864 and international reciprocity and good neighborhood, and so I believe.

I have been advised that the English minister has been instructed to enter the protest of his government against this imposition, and has already done so.

There are other infractions of the treaty which I am now investigating, and with respect to which I hope to be able to write you at an early day.

I await such further instructions on this subject as you may be pleased to give.

I am, &c.,

JOHN MERCER LANGSTON.

[Inclosure 1 in No. 23.—Translation.]

*Mr. Carrié to Mr. Langston.*

PORT AU PRINCE, *January 10, 1878.*

MR. MINISTER: In the dispatch which I had the honor to address to you under date of December 13 last, in relation to consular charges established by the law of the 23d of August, 1877, I demonstrated—

1st. That taxes extending in a general and equal way on all invoices from foreign countries cannot constitute any infraction of our treaty with the United States, which confers upon them, as upon us, the rule or the treatment of the most favored nation.

2d. That they exist with us for the past twenty years or thereabouts, that they have never provoked any protest, and that the law of the 23d of August has only regulated them in a more equitable manner.

3d. That my government had the indisputable right to make of them a source of receipt.

4th. That they do not reach in any way foreign commerce, but that, on the contrary, they are supported by our interior consumption.

5th. Finally, that the executive power of my country did not have the authority to suspend the execution of a law which is, besides, of his own initiation, and which he had hastened to promulgate.

Your dispatch of the 26th of December, notwithstanding it recognizes the real basis (*bien fondé*) of a part of my arguments, presents to me new objections. I have, therefore, thought it would be proper to determine, as I have done hereabove, the various points about which we differ, in order that they might be made definitively clear by the debate.

It is incontestable that duties which are collected in a general and equal manner on all invoices of goods of foreign countries cannot constitute any infraction, either in letter or in spirit, of a treaty which places a country under the rule of the most favored nation.

As regards this there cannot be any doubt, and whatsoever the interpretation which one may give to the treaty which exists between us, one will never be able to derive from it, in its application, that the United States are less favored than the other countries with which we cultivate commercial relations.

It is not possible to believe that the commercial reciprocity extends to such a degree as to require that the same duties be collected equally in two countries bound by a treaty, and as long as the exchanges are carried on freely and without difficulty, that no hindrance occurs to slacken the course of operations, that no overtax be imposed to a flag, &c., one remains within bounds of the treaty.

In the customs legislation of the United States, as in our own, the stipulations differ between each other, owing to various reasons.

The number of the population, the productive force, the riches—commercial, agricultural, or industrial—the morals of the inhabitants of each of the states, are generally that which imposes such economical legislation rather than another. Thus complete

equality, absolute reciprocity, in matters of custom duties, are objects impossible to attain.

In admitting with me that the legislation to which we refer exists with us since twenty years, that it has never provoked any protest, you discuss that which I have set forth, that the principle of the charges which it establishes is identical to that of the charges of the law of the 23d of August, which does nothing other than regulate them in a more equitable manner.

The question of the principle appears to me not debatable (*indiscutable*), and I would add that, in my opinion, as well as in that of my government, real proportionate duties are always more equitable than fixed duties, or those which are established on figures, the error (*l'écart*) of which is too considerable.

In our old law of 1858, an invoice of \$1 was paid as one of \$100, and one of \$10,001 as one of \$20,000. To-day it is the amount of the invoice which determines that of the visa; it is the amount of business which determines that of the duty. Does this not seem more equitable to you, Mr. Minister?

As to that which concerns fixed duties, do you believe that it is just to levy a like charge of \$2.50 on an invoice of \$10 or \$50,000?

You will allow me to take the high sum of \$50,000, which you have chosen, notwithstanding that in the application one does not find an invoice of this amount expedited from the United States to Hayti. If I should take the reverse of this sum, I would be able to show that an invoice of \$10, according to our law, would pay 10 cents for visa, and that our agent would legally only derive from it but 1½ cents for his pains and care. The American commercial agent for the same service would receive \$2.50, nearly two hundred times more than the compensation received by ours.

I do not believe that I said in my preceding dispatch that the just remuneration due our agents had been diminished. On the contrary, the law, in granting to them 15 per cent. of their charge of visa, has only sought to reimburse them to an equal amount to the one they formerly collected, and my government had thus created for itself a source of receipt of all over and above of these duties. This is what refers to the third point of the discussion, and one cannot contest such a right to a government when its source of receipt does not in any way affect the interests of other nations.

To the support of this fourth point, I have endeavored to make it appear that this tax of 1 per cent. was supported by our interior consumption, because, 1st. The importer of the goods necessarily adds this duty to his cost price. 2d. Hayti does not regulate the foreign markets, but that these last rule ours. 3d. If the contrary of this assertion were true, this duty of 1 per cent. would lessen in price American merchandise to that extent, which is not and which will not be.

To these arguments, which you do not refute, you object only that, in view of this duty, the merchandise increasing in proportion, the consumption of American provisions will decrease in Hayti, to which the merchants as well as the Government of the United States might object.

The principle that *excessive* duties will diminish the consumption in a country is an undeniable fact; nevertheless, it cannot be appealed to under the circumstances, for the duty of 1 per cent. which we have added to our importation does not affect it but to the extent of about \$100,000 on a total value of \$2,000,000 collected, and if one estimates our population at a million of souls, it is easy to perceive that an annual tax of 10 cents more, weighing on every inhabitant, is not *excessive*, and is not of the nature to work a decrease of consumption.

In 1872, under the empire of our treaty with the United States, a law increased our import duties 25 per cent. The consumption of American products did not decrease with us, and the United States did not in any way protest against this law.

But in supposing this decrease in the consumption, which can only be proved by comparative statistics, can the obligation imposing on a nation to take from another, a fixed value of merchandise, which it would not have the power to diminish if its interests should require it to do so, be allowed?

Moreover, if this duty, purely fiscal, admits as consequence a decrease in the consumption, our import duties would suffer by it, and it seems to me that the first interested in the question would be the Haytian Government. One can then, as far as regards this, leave to it the care it will take not thus to exhaust its principal source of income.

I will not conclude, Mr. Minister, without dwelling once more on the last part of your dispatch, where you re-express the hope that I will issue orders to suspend the execution of the law, and order at the same time the restitution of sums already collected in execution of this law.

Such a manner of proceeding on the part of the executive would have very serious consequences, which it is not necessary to point out. Moreover, my government is firmly convinced that it has, in the question which occupies us, right and justice on its side, and it hopes that that of the United States will recognize it likewise.

Be pleased to receive, Mr. Minister, the assurance of my very high consideration.

The secretary of state of foreign affairs,

F. CARRIE.

No. 267.

*Mr. Langston to Mr. Erarta.*

No. 39.]

LEGATION OF THE UNITED STATES,  
*Port au Prince, Hayti, March 18, 1878. (Received March 30.)*

SIR: I have the honor to advise you that for the past four days, commencing last Thursday morning at one o'clock, the city of Port au Prince has been in the most intensely excited state of revolution. The President has been absent for several weeks. During his absence the revolutionary condition of which I speak was precipitated. The arsenal, located in the southwestern part of the city, was first taken, then the Fort National; the former by General Lafontant Chevalier, commandant de la place; the latter by General Tanis, *ainé*, the commandant of the department of the west. The arsenal was very speedily recaptured; but the fort was held by the insurgents till yesterday at one o'clock in the afternoon, when the President returned and Tanis and his forces evacuated; whereupon the government forces immediately took command.

The insurgents, upon leaving the fort and arsenal, have taken refuge in the various legations and consulates. The leaders of this insurrectionary movement, Generals Tanis and Chevalier, have taken refuge under the Liberian flag, in the residence of General Amitié Ville Lubin, chargé d'affaires of Liberia. The government has already demanded their surrender, with the threat that, if not delivered, they will be taken by force. It has not, as yet, been determined to deliver them up; and it may not be the case that the government will attempt to take them by force. Such proceeding, under the present administration of the government, and in this country, would be singular enough. Three of the subordinates of General Tanis's force have taken refuge under the American flag and in our legation. I hope to be able to manage their case without great difficulty.

To-day all is quiet again, and President Canal, who was received on his arrival yesterday in a most enthusiastic and cordial manner, is apparently "master of the situation."

I write in great haste, at this time, promising full and detailed statement of the whole matter in an early dispatch.

I am, &c.,

JOHN MERCER LANGSTON.

No. 268.

*Mr. Langston to Mr. Erarta.*

No. 40.]

LEGATION OF THE UNITED STATES,  
*Port au Prince, Hayti, March 26, 1878. (Received April 9.)*

SIR: Referring to my No. 39, dated the 18th of this month, I have the honor to advise you with greater fullness and particularity with regard to the revolutionary movement which commenced in this city on the 14th instant at one o'clock in the morning.

The leaders of this movement are Louis Tanis, *ainé*, and Fontange Chevalier. The former is a prominent military character, commanding the western department, and an aid-de-camp to the President, is ambitious, as many claim, to gain the Presidency of the republic; and to accomplish

this end, as the same persons claim, was willing to attempt the overthrow of the present administration of the government by revolution. General Tanis is a representative, in his complexion, of the blacks of this country, and this is a fact of significance here where classes divide themselves on lines of color. This particular movement, however, considered in view of its *personnel*, has been confined to no line of color. Black men and colored have alike been found marching side by side under the banner of revolution. Tanis is a man without culture; his educational advantages must have been very limited. But he is a man of decided native ability, and, prior to this movement, by reason of his popularity and influence, a most formidable competitor for the Presidency. Heretofore he has been a special and trusted friend and adviser of President Canal. He is said to have made Canal President, and since his election to have done more than any other man in the republic to sustain and support him in his office. His situation made it possible for him to do so, and, besides, it was generally understood that Canal meant to make him his successor in the Presidency. It is said that very latterly a strong combination has been organized to prevent the attainment of this object and to make a more scholarly and accomplished person, not a military character, but a statesman, the successor of Boisrond Canal. It is also said with great positiveness that it was this combination which, seizing the opportunity afforded by the absence of the President in his recent tour to the south, precipitated this movement by bringing about a condition of things which induced the report that the authorities of the government had issued an order for the arrest of General Tanis, of which he learned indirectly while in Fort National attending, at one o'clock in the morning of the 14th instant, to his usual duty. Whereupon he at once concluded to remain in the fort, and, if necessary, defend himself against such attempt at his arrest. Entering the fort at midnight on the 13th instant, attended by some ten or twelve persons who claimed to be his personal friends accompanying him upon his tour of inspection to give assistance should there be need, he remained there quietly till five o'clock in the morning of the 14th instant, when he fired the cannon of alarm, calling the people to his aid; no one, however, publicly went to his assistance. At first he displayed the Haytian flag. About eleven o'clock of the 14th instant he ran up the red flag, and from that time up to the hour of evacuation he kept such flag flying. Whether such combination, in fact revolutionary in its character and purpose, has existence in this city, and by a cunning and skillful manipulation of affairs forced General Tanis into the attitude of seeming rebellion and treachery, is a matter which I am unable to determine at this writing. I can only say that such supposition is stoutly maintained by many in whose knowledge and integrity I have a goodly degree of confidence, and besides, General Tanis' conduct while holding the fort is only explained on some such theory. In the first place, taking the fort at about one o'clock in the morning of the 14th instant, he made no attack upon the city and opened no fire upon any class of the inhabitants. He asserted, in the next place, again and again, that he should attack no one only as he did so in self-defense; and, in the third place, he protested that he had always been loyal to Boisrond Canal; that he should continue to be so, and that he should hold the fort till he returned to the capital, when he should surrender it to him at once. This was the course pursued by Tanis, when he must have known that the forces of the government were without organization, without commanding officers, and the community was in the most excited and unmanageable condition by reason of the various and sometimes conflicting reports with regard to his purposes and forces.

Twice he was attacked, and each time he contented himself by simply repulsing the attacking force; and during the four days that he held the fort, there was, I think, no hour he did not hold himself ready to hear and consider any proposition which the government saw fit to make to him through the corps diplomatique with regard to the surrender of the same. I speak advisably on this particular branch of the matter, for early on the 14th instant Hon. Felix Carrié, the secretary of state for the department of foreign relations, in the absence of the president in charge of the government, and Hon. Hannibal Price, a member of the chamber of representatives, called at my legation and requested that I would do all that I might find to be practicable under the circumstances to aid the government in bringing General Tanis to surrender the fort upon such conditions as the government might deem it wise to suggest. I replied to these gentlemen by saying, "If you put your request upon paper I will at once bring it to the attention of the corps diplomatique and consulaire, and I have no doubt that the body will be glad to render the government such assistance in the premises as lies within its power." These gentlemen retired, and very soon Mr. Price returned bringing me the dispatch herewith inclosed (Inclosure 1). I communicated at once with my excellent colleague, Maj. R. Stuart, minister resident and consul-general of Her Britannic Majesty, who, as dean of the corps diplomatique, convened the body, and this dispatch having been presented, after due consideration, a reply was made to the government in a dispatch herewith inclosed (Inclosures 2 and 3.) Subsequently, a dispatch in reply was received from the government advising us as to what the government was disposed to have done, and this dispatch is herewith inclosed (Inclosure 4.) After submitting it to the corps diplomatique, and taking the judgment of that body upon its vote, Major Stuart and myself were appointed on its behalf to conduct the negotiations between the government and General Louis Tanis. Major Stuart and myself entered at once and promptly, with no little danger to us personally, upon the discharge of the duties enjoined by the action of the corps diplomatique. We repaired at once to the Fort National, where we had a free and full conversation with General Tanis upon the subject of the dispatch. His reply thereto is herewith inclosed (Inclosure 5.) This reply was, after being submitted to the corps diplomatique, delivered to the government. The government authorities not deeming it wise to accept the terms named by General Tanis, a second dispatch, herewith inclosed (Inclosure 6), was prepared, and after being submitted to the corps diplomatique, was delivered by Major Stuart and myself to General Tanis. After fully considering the subject of the dispatch, General Tanis presented his decision with regard thereto in a paper, herewith inclosed (Inclosure 7), which was submitted to the corps diplomatique and afterwards delivered to the government. The reply of the government to this proposition of General Tanis is herewith inclosed (Inclosure 8), which, after being submitted to the corps diplomatique, was delivered by my colleague and myself to General Tanis. General Tanis at once, and with no little apparent indignation, refused to entertain for a moment this proposition of the government, especially that branch of it which concerns the officers and soldiers found in the fort and commanded by him. His rejection of this proposition was verbal. Report of this proceeding on the part of General Tanis was made by my colleague and myself to the corps diplomatique and the government, and thus attempts at adjustment of the difficulties in this case, in peaceable manner, were suddenly terminated.



However, on the next day, Saturday, I received a dispatch from Louis Tanis, herewith inclosed (Inclosure 9), begging that my colleague and myself come to the fort to hear a new communication from him in the interest of humanity. This dispatch was at once brought to the attention of the corps diplomatique and the government. Although it was the judgment of the corps diplomatique that further efforts might wisely be made to settle the difficulties pending in a peaceable manner, the government declined to treat further with General Tanis. The dispatch herewith inclosed (Inclosure 10) is the one in which the government presents its decision on the subject. In reply thereto, and as expressive of the judgment of the corps diplomatique under the circumstances, my colleague, Major Stuart, addressed to the government the dispatch herewith inclosed (Inclosure 11.) At this point the efforts of the corps diplomatique, in the beginning invoked by the government, subsequently by General Tanis, as already explained, were closed. General Tanis remained in the position of defiance, however, and in the possession of the fort, being disturbed once by a regular but unsuccessful assault, while very constantly during the day, Saturday, the 16th instant, he was disturbed by occasional firing from Fort Eveillard, the arsenal, and the war-vessel "1804." The firing, which reached and took effect in and upon the Fort National, came from Fort Eveillard. This fort is situated in the northeast part of the city, and not far from Fort National.

Saturday night was quiet, and Sunday was not very specially disturbed by any demonstrations, either from the government or the forces of General Tanis, and so matters remained till one o'clock in the afternoon of the 17th instant, when President Canal arrived upon the Haytian man-of-war Saint Michel. His reception was quite imposing. Large multitudes of people turned out to welcome him, and his presence and assuring words, used so effectively in his brief off-hand address, delivered from the portico of the office of the department of state, brought a glad relief to the anxious minds of his fellow-citizens.

As the President arrived, firing from the Fort National ceased entirely. During the time occupied in his reception it was evacuated, and General Tanis and his companions took refuge in the several legations and consulates located in the city.

Up to this time there has been no further exhibition of a revolutionary purpose than an occurrence which took place at Croix des Bouquets last Monday, the 18th instant, at noon. I inclose herewith (Inclosure 12) the account of this affair as published in the "Moniteur," the official organ of the Government. It is not stated in this account, but I learn that it is the fact, that two of the persons shot by General Catulle Mirville were the brother, an aged and infirm man, and the nephew of General Tanis. It is strange that it should now be claimed that Mirville is a confederate of Tanis. This can hardly be true. I cannot, however, speak of the matter with assurance. At all events, the affair is a bloody one and has produced a general feeling of horror and disgust.

Connected with and prompted by this affair, the President has issued several proclamations, in which he commands obedience to the law and expresses vigorous denunciation of treason.

As far as General Tanis is concerned, I desire to emphasize one or two things: First, he claims to be a loyal man, true to his chief, the President of the republic, and that he was forced into the seemingly hostile and disloyal position which he has occupied in going into and holding the Fort National. In the next place, he did not fire upon the city of Port au Prince, nor offer any resistance to the government forces further

than he found it necessary in making self-defense; and, in the third place, he claimed all the while that he, as an officer of the government, to prevent an illegal premeditated arrest of himself, had gone into the fort and would hold it only till the President returned, when he would at once give it up to him; and, fourth, on the afternoon of the 13th instant, as late as five o'clock, he had issued, as expressive of his sentiments and purposes, a proclamation, in substance like the one transmitted in my No. 28, of February 11, 1878, protesting his loyalty to the President, Canal.

It does seem strange that, if he intended to attempt and carry on a well-considered and well-planned revolution, that he behaved in this way and made such expressions, and that he did not take advantage of his situation and the disorganized condition of the forces of the government to push his plans and carry out his purposes. He seemed, however, to stand constantly upon the defensive. I have already described his evacuation of the fort.

I have not yet mentioned that about this time the arsenal was taken by General Chevalier, and assault was made upon the national palace. General Choisl Marc, formerly chief of the President's guard, led this assault. He is regarded as an adherent of Tanis, and held responsible for the consequences connected with this assault. Several lives were taken, some property destroyed, and perhaps some public papers. I am advised that his property will be confiscated by the government to answer the losses indicated.

The combination of which I have made mention, and which, as some claim, forced Tanis into his unfortunate (not to call it by a harder name) position, is led by perhaps the ablest of the Haytian politicians. I refer to Boyer Bazelais, who is a civilian, a lawyer by profession, but who has presidential aspirations, and is in fact a very popular as well as a very able man. He is supported by many of the more educated and cultured younger men of the republic.

Another Haytian, said by his friends to be even abler than Bazelais, and more popular, a man of age and large official experience, and a man of no mean military name, General Salomon, also heads a party determined, if possible, to make him President of the republic; and it is said that General Tanis was not forced into his position, but, moving rather in his own interest, or that of Salomon's, chose it deliberately. But if this be so, his conduct is only explicable on the supposition that the followers of Salomon did not come to his support. Of course, the friends of Bazelais, and those of Salomon, now deny that they knew anything about Tanis' purposes or movements. Time may confirm, it may contradict, these assertions. Time and facts yet to be developed may show Tanis loyal rather than false to his government.

\* \* \* \* \*

In their demonstration, whatever the purpose which actuated them they discovered neither sagacity and vigor, nor ability, by reason of their courage or the numbers of their comrades. I do not believe that there were at any time, during the four days that General Tanis held Fort National, a hundred men with him in the fort. Of course, I am not able to say how large his general following was; but I think it small. As I have already advised you, General Chevalier held the arsenal, after taking possession of it, but one or two hours.

After evacuating the fort, General Tanis and most of his men took refuge under the Liberian flag, in the legation of General Lubin, the chargé d'affaires of Liberia. Generals Tanis and Chevalier are both in that legation. Others who were in the fort, and some who have had their

names only connected with the movement, and who are apprehensive of danger to their lives, have taken refuge in other legations and consulates—in the British, the French, the American, and one or two others. I have in my own legation three of the men who were in the fort—Boyer Laforest, Phillip Laraque, and Eugene Sentard; all three are intelligent men, but subordinates in this revolutionary movement. They protest their loyalty, and seek refuge in my residence against violence and death, which certainly were imminent when they came to me. Two of them came from the Fort National, leaving General Tanis, with his permission, Saturday evening before the evacuation of the fort. The other, Laraque, came after the evacuation. Laforest and Sentard had, within a few days, been elected members of the conseil communal of Port au Prince.

I have already reported the names of these persons in my legation, in answer to a dispatch from the government, a copy of which I transmit herewith inclosed, marked M, together with a copy of my reply thereto, herewith inclosed, marked N. I have also asked that I be relieved of their presence at an early day by the action of the government. I think there cannot be any special difficulty connected with the cases of these persons. However, there may be some delay.

I have just learned that as early as last Saturday morning a commission d'enquête was organized to consider and make determination with regard to these cases, including not only Tanis and his immediate comrades, but others who are under suspicion. This last class includes a large number of persons, of whom several are very respectable, as General Salomen, whose name I have already mentioned in this dispatch, and J. J. Audain, a prominent candidate for the mayoralty of this city. The first of these persons has taken refuge in the Peruvian legation, the other in the British. This commission d'enquête is composed of Messrs. Henry Durant, D. Frouillot, Rodolph Gardire, Camille Bruno, L. Vallis, commissaire du government; M. Zephile, a judge of the peace of Port au Prince.

It is reported that the commission is not altogether satisfactory to the President; and there may be some change made in the composition of its membership. I am not able to say that this report is well grounded. It is true, however, that the commission was organized before the President returned.

In my No. 39 I stated that Generals Tanis and Chevalier had both been demanded of the chargé d'affaires of Liberia, with a threat that if not delivered they would be taken by the government. I desire now to correct so much of my statement as includes in the demand General Tanis. He has not been demanded; but both have been declared out-laws, and Chevalier demanded.

The corps diplomatique has determined not to deliver up any one taking refuge in a legation or consulate. The action of the body on this subject was unanimous and emphatic. In expressing my own views upon the subject, I took the positions announced with such clearness and force by Mr. Fish, your own excellent predecessor, in a letter addressed to Hon. Stephen Preston, envoy extraordinary and minister plenipotentiary of the republic of Hayti, December 11, 1875. You will recollect the doctrine presented and illustrated by Mr. Fish in this communication; and I need not enlarge upon it further than to state it, No. 179, pp. 343 and 344, Foreign Relations of the United States, 1876.

I beg to invite your attention especially to the remarkable phraseology of the dispatch of the Hon. F. Carrié, herewith inclosed (Inclosure 15). In my answer I do not dwell upon it, but I do not fail to understand

and appreciate it. Under the circumstances this dispatch is a very unusual paper.

So far all is quiet. There is no outbreak in other cities of the republic, and business is again earnestly resumed. An outbreak was threatened at Cape Haytien, but it was easily suppressed. There may have been some feeling exhibited against the government in one or two other small places, but no demonstration worthy of the name revolution has taken place.

This dispatch must not be closed without an opinion expressed in the most approving terms of the conduct of the corps diplomatique, as wise and sagacious. By its action, at least forty-eight hours were gained to the government for preparation to attack, if necessary, the insurgents; and as much time was gained to stay the destruction of life and property. Indeed, the moral effect of the conduct of the corps lasted even up to the very hour of the evacuation. I speak of the community generally, and the government, and the opinion may prove to be a well-grounded one that the government will not succeed finally in dealing with the vexed and intricate questions connected with this revolutionary attempt without its aid.

It is now reported that on to-morrow, in the early part of the day, formal demand will be made by the government upon the *chargés d'affaires* of Liberia for the delivery of Generals Tanis and Chevalier. This demand may be accompanied with the threat to take them should General Lubin not deliver them as requested. You understand, I doubt not, that General Lubin is a Haytian citizen; and since this is so, he may find it the more difficult to manage this affair with the government.

On the 25th instant, Sunday, there was a general military parade in this city. The display was unusually imposing, and an occurrence which has special significance transpired. General Niblo, who had been left by the President as chief in command of the palace in his absence, was publicly degraded from his rank and sent to prison. Like General Marc, who was formerly chief of the guard of the President, he had deserted his post and gone with General Tanis into revolution. The President also, on this occasion, made a most effective address, denouncing traitors and declaring his purpose to maintain his authority to the close of his administration.

Several persons wounded in this revolutionary attempt, either in attacking Fort National or otherwise, have died within a few days.

I am, &c.,

JOHN MERCER LANGSTON.

---

[Inclosure 1 in No. 40.—Translation.]

*Mr. Carrié to Mr. Langston.*

Liberty, Equality, Fraternity.

OFFICE OF THE SECRETARY OF STATE OF THE  
DEPARTMENT OF FINANCE AND COMMERCE  
AND FOREIGN AFFAIRS, REPUBLIC OF HAYTI,  
*Port au Prince, March 14, 1878.*

MR. MINISTER OF THE UNITED STATES: As no doubt you have already learned by public report, General Louis Tanis, sr., military commandant of this department, revolted last night against the authority of the government. Beaten on every hand, this general has taken refuge in the Fort National, where, it would seem, it will be

necessary, to dislodge him, to use force, and cause the painful alternative of bloodshed. Before coming to this extremity my department has resolved to inform you of the situation, requesting you to communicate the same to your diplomatic colleagues, in order that you may come to some understanding with them and take measures governed by circumstances having in view the interests of humanity.

This dispatch is strictly confidential.

F. CARRIE.

Mr. JOHN M. LANGSTON,  
*Minister Resident, &c., &c., of the United States, Port au Prince.*

---

[Inclosure 2 in No. 40.—Translation.]

*General Tanis to the Diplomatic Corps.*

Liberty, Equality, Fraternity.

CIRCULAR.

Republic of Hayti to the corps diplomatique, consisting of ministers, chargés d'affaires, and consuls of the different powers of Europe and America, at Port au Prince.

*Members of the corps diplomatique:*

In my proclamation of yesterday, I announced to the people of Port au Prince my fixed resolution to maintain order in said town at any cost, on the condition, notwithstanding, that the means employed are in accord with self-respect, the respect of persons and property, and my military duty.

About one o'clock this morning I deemed it my duty to pay a visit to the Fort National, accompanied by those of my friends who favored public security. Before leaving the place, I learned, from an undoubted source, that certain ambitious parties who are jealous of my present position and my future prospects have taken arms against me and the public peace, which I protect in the capacity of commandant of this department.

One can understand why I sought refuge in the fortification in which I now find myself: the alarm and the beating of "*la générale*" were intended to call to my aid the authorities and citizens who remained faithful to their duty.

Even now I hear the beating of the assembly in town; surely no one supposes for a moment that I will consent to be the victim of those who have voluntarily constituted themselves my enemies.

I must defend myself, and I understand by that push matters to extremes in order to throw upon them the responsibility with the people and the civilized world of the misfortunes that they may provoke. Under the unfortunate circumstances I shall do my duty.

I submit these observations to the corps diplomatique, requesting their intervention to hinder the effusion of blood, and the incalculable losses that their countrymen, as well as Haytians, will suffer by the actions of the disloyal party.

Please accept, messieurs les membres du corps diplomatique, the assurance of my high consideration.

L. TANIS, Sr.

---

[Inclosure 3 in No. 40.—Translation.]

*Mr. Stuart to the Secretary of State.*

LEGATION OF HER BRITANNIC MAJESTY,  
*Port au Prince, March 14, 1878.*

MR. SECRETARY OF STATE: I am authorized by the diplomatic corps of this city, of which I have the honor to be the dean, to acknowledge the receipt of your letter of this date, addressed to Mr. Langston, minister resident of the United States, in which you request him to communicate with his colleagues to take measures dictated by the circumstances having in view the interests of humanity.

The corps diplomatique, having taken into consideration this letter, unanimously agrees that under the circumstances the initiative does not belong to them; but they are ready to take into consideration all propositions coming from the government in

the interests of humanity, and having in view to avoid the dangers which seem to menace the persons and property of those who reside in Port au Prince.

Please accept, Mr. Secretary of State, the assurance of my high consideration.

R. STUART.

Mr. FELIX CARRIÉ,

*Secretary of State of Foreign Affairs, Port au Prince.*

P. S.—I herewith inclose a copy of the communication received this morning from General Tanis.

---

[Inclosure 4 in No. 40.—Translation.]

*Mr. Carrié to the British minister.*

OFFICE OF THE SECRETARY OF  
THE DEPARTMENT OF FOREIGN AFFAIRS,  
*Port au Prince, March 14, 1878.*

Mr. MINISTER: The deplorable attitude assumed by General Louis Tanis, aîné, having obliged the existing authority to declare that he is outlawed, according to Act, a few copies of which I herewith inclose, it becomes evident that the communication of that commanding officer is not worthy of being taken into consideration. My government would be glad of any action the corps diplomatique may take to terminate the deplorable situation without shedding of blood, and consequently I would request you, in company with your colleagues, to notify General Louis Tanis, sr., that it has been determined upon that at precisely three o'clock this afternoon the Fort National must be surrendered by him to the proper authorities. As to himself, he can, at his pleasure, surrender himself a prisoner, subject to the laws of his country, or retire, together with his companions, under the protection of the representatives of foreign powers. After three o'clock, military measures will be taken for the capture of the fort which he has made the scene of rebellion.

I beg you to accept, Mr. Minister, the assurance of my highest esteem.

Secretary of state for foreign affairs,

F. CARRIÉ.

---

[Inclosure 5 in No. 40.—Translation.]

*Propositions between General Tanis and the government.*

1. General Tanis and his companions are at liberty to stay in Hayti, and to return to their private occupations without fear of being molested on account of their direct or indirect relations with existing affairs.

2. The corps diplomatique should endeavor to enforce the observance of the above clause.

3. The guard of the fort and the soldiers who joined the general will enjoy the privileges of the above-named stipulations.

4. There will be no acts of hostility neither on one side nor on the other until the definite conclusion of the present treaty, without General Tanis being responsible for hostile acts that may occur outside of the Fort National.

Fort National, March 14, 1878.

L. TANIS, AÎNÉ.

---

[Inclosure 6 in No. 40.—Translation.]

*Mr. Carrié to the British minister.*

Liberty, Equality, Fraternity.

REPUBLIC OF HAYTI,  
*Port au Prince, March 14, 1878.*

(Seventh year of the independence.)

Mr. MINISTER: In thanking you for the receipt of your communication containing General Tanis' demand, the government begs you, together with your colleagues, to be so kind as to inform him that it maintains its first note; that is to say, that this

general may, at his pleasure, surrender himself to the justice of his country, or retire from the Fort National, under the protection of the representatives of friendly powers.

The government, Mr. Minister, makes use of this occasion to renew the assurances of its highest consideration.

Secretary of state for foreign affairs,

F. CARRIÉ.

Maj. STUART,

*Her Britannic Majesty's Minister Resident, Port au Prince.*

[Inclosure 7 in No. 40.—Translation.]

*General Tanis accepts the proposition.*

I accept the proposition to retire, myself and my companions, under the protection of the representatives of the foreign powers, on the condition that those soldiers and officers who are now in the fort, and who have only obeyed the orders of their chief, will be at liberty to return to their homes, and that I, together with my comrades, may be allowed to seek shelter under proper protection.

Port au Prince, March 15, 1878.

L. TANIS, *Alné.*

[Inclosure 8 in No. 40.—Translation.]

*Mr. Carrié to the British minister.*

OFFICE OF THE SECRETARY OF STATE  
OF THE DEPARTMENT OF FOREIGN AFFAIRS,  
*Port au Prince, March 15, 1878.*

Monsieur LE MINISTRE: I have the honor to inform you that my government consents that General Tanis and his companions, shut up in the Fort National, should quit the territory of the republic. Their embarkation will be protected by the proper authorities. If this cannot be immediately accomplished, General Tanis and his companions may be transferred to a consulate, and while there the same guarantees of protection will be extended to them.

Without derogating in the least from any existing laws, the government will be indulgent toward the officers and soldiers who merely obeyed the orders of one who was their chief.

Please accept, Mr. Minister, the assurances of my highest esteem.

Secretary of state for foreign affairs,

F. CARRIÉ.

Maj. R. STUART,

*British Minister Resident, Port au Prince.*

[Inclosure 9 in No. 40.—Translation.]

*General Tanis to Mr. Langston.*

PORT AU PRINCE, *March 15, 1878.*

MR MINISTER: I would be very greatly obliged to you if you would be so kind, for the last time, together with Her Britannic Majesty's consul, to hear a new communication I desire to submit in the interest of humanity.

I rely upon your indulgence that you will excuse me for disturbing you again from your occupations.

Please accept, Mr. Minister, the expression of my highest esteem.

L. TANIS, *Alné.*

[Inclosure 10 in No. 40.—Translation.]

*Mr. Carrié to the British minister.*

OFFICE OF THE SECRETARY OF STATE  
OF THE DEPARTMENT OF FOREIGN AFFAIRS,  
*Port au Prince, le ———, 187—.*

MR. MINISTER: I have taken note of the verbal communication you made to me concerning the demand of General Tanis, who desires an interview with the corps diplomatique.

The government regrets that at this stage of military operations against the rebels it cannot allow, at present, any suspension of hostilities.

I have the honor, Mr. Minister, to salute you with the highest consideration.

F. CARRIÉ.

Mr. STUART,

*Minister Resident of Her Britannic Majesty's Government in Hayti.*

[Inclosure 11 in No. 40.—Translation.]

*r Stuart to Mr. Carrié.*

LEGATION OF HER BRITANNIC MAJESTY,  
*Port au Prince, March 16, 1878.*

Mr. SECRETARY OF STATE: I have the honor to acknowledge the receipt of your note, not dated, received yesterday at one o'clock in the morning. Having submitted said note to the consideration of my colleagues, who gathered together for that purpose, I am authorized to inform you, in their name, that the responsibility of refusing General Tanis' invitation to be allowed to make a final effort for the sake of humanity, falls entirely upon the present Government of Hayti.

Please accept, Mr. Secretary of State, renewed assurances of my highest consideration.

R. STUART.

Monsieur FELIX CARRIÉ,

*Secrétaire d'Etats des Relations Exterieures, etc., etc., Port au Prince.*

[Inclosure 12 in No. 40.—Translation.]

*General Francois to the citizens of Croix des Bouquets.*

[The Monitor.]

THURSDAY, *March 21, 1878.*

*Jean Chrysostome Francois, commandant of the arrondissement of Port au Prince, to the citizens of Croix des Bouquets :*

CITIZENS: After having shot four of our fellow-citizens, General Catulle Mirville commandant of this commune, an adherent of Louis Tanis, fled to the woods at eleven o'clock this morning.

You know the sentiments of President Boisrond Canal. General Catulle Mirville, thirty of the blood of his fellow-citizens, has not executed the orders of the executive in committing this barbarous act, and he alone is responsible.

Citizens of Croix des Bouquets, gather beneath the standard of the national guard to sustain order.

Peace reigns throughout the republic. I urge you then, dear fellow-citizens, to rally around your constitutional chief.

Long live union!

Long live peace!

Long live the constitution of 1867!

Long live the President of Hayti!

Croix des Bouquets, March 19, 1878, the 75th of the independence.

[Inclosure 13 in No. 40.—Translation.]

*Mr. Carrié to Mr. Langston.*

OFFICE OF THE SECRETARY OF STATE  
FOR THE DEPARTMENT OF FOREIGN RELATIONS,  
*Port au Prince, March 15, 1878.*

Mr. MINISTER: I have the honor to request you to make known to the government the names of persons who have sought refuge in your legation, if in any case there happen to be any.

Please accept, Mr. Minister, the assurance of my highest esteem.

Secretary of state for foreign affairs,

F. CARRIÉ.

Mr. M. LANGSTON,

*Minister Resident and Consul-General of the United States, Port au Prince.*



[Inclosure 14 in No. 40.—Translation.]

*Mr. Langston to Mr. Carrié.*LEGATION OF THE UNITED STATES,  
*Port au Prince, March 16, 1878.*

SIR: I have the honor to acknowledge the receipt of your dispatch, dated March 15, 1878, and to state in reply thereto that there are no refugees in my legation.

I embrace this opportunity to express to you my very highest consideration.

I am, very respectfully, your obedient servant,

JOHN MERCER LANGSTON.

Hon. F. CARRIÉ,  
*Secretary of State for Foreign Affairs.*

[Inclosure 15 in No. 40.—Translation.]

*Mr. Carrié to Mr. Langston.*

[Circular.]

OFFICE OF THE SECRETARY OF STATE  
FOR THE DEPARTMENT OF FOREIGN RELATIONS,  
*Port au Prince, March 21, 1878.*

MR. MINISTER: At the close of a military treason which is probably unequaled in the general history of the world, General Louis Tanis, sr., Fontange Chevalier, and numerous other adherents to a cause which has originated, as you are aware, from assassination, plunder, and the bombardment of the capital, rendered powerless in one of the fortifications of the place, have fled, taking refuge in the various consulates of this town. Thus, having planned and executed their foolhardy and criminal proceedings at the head of the government troops that they forced in their service, they hope now to escape the penalty of the law in seeking protection in the residences of the honorable consular agents to which they are not entitled. The public peace has been and is gravely menaced.

As my government has not yet an official list of the names of those criminals who may have taken refuge in the consulates, at a time when the commission d'Enquête is in active operation, charged with the high mission of throwing light upon this dark affair, I flatter myself with the hope that you will hasten to give me a list of those persons who have so gravely imperiled the public peace during the absence of the Executive.

It is in these sentiments that I beg you to accept, Mr. Minister, the assurances of my high esteem.

The secretary of state for foreign affairs,

F. CARRIÉ.

Mr. JOHN MERCER LANGSTON,  
*Minister Resident of the United States of America, Port au Prince.*

[Inclosure 16 in No. 40.—Translation.]

*Mr. Langston to Mr. Carrié.*LEGATION OF THE UNITED STATES,  
*Port au Prince, Hayti, March 21, 1878.*

SIR: I have the honor to acknowledge the receipt of your circular dispatch, dated of this day, in which, if I understand you aright, you ask the names of persons who have taken refuge at my legation. I lose no time in making you a reply. The persons who have thus taken refuge are: Boyer Laforest, Eugene Saintard, and Philip Laraque, three in all.

I have the honor to be, your most obedient servant,

JOHN MERCER LANGSTON.

Hon. F. CARRIÉ,  
*Secretary of State for Foreign Affairs, Port au Prince, Hayti.*

[Inclosure 17 in No. 40.—Translation.]

*Mr. Carrié to Mr. Langston.*

OFFICE OF THE SECRETARY OF STATE  
FOR THE DEPARTMENT OF FOREIGN AFFAIRS,  
*Port au Prince, April 1, 1878.*

MR. MINISTER: In maintaining as much as possible its rights, its duties, and its prerogatives, as also its respect for its official standing, my government has in no wise opposed the embarkation of the refugees in your legation, yet it was its belief that said embarkation was to have taken place on the 30th of March. With this in view, forces were held in readiness, and the authorities only awaited your assistance in order to furnish you its escort.

In view of the amicable relations that my government desires to cultivate with yours, through my medium, you are notified to cause to be embarked those individuals who are a source of trouble to the country; and the government cherishes the hope that you appreciate the case, which does not allow it to consult the interest of those who are enemies of public peace.

Knowing that in no wise would you assume the responsibility of keeping on the territory of the republic persons who are a source of disquietude to society, I have the honor to renew the assurances of my highest consideration.

F. CARRIÉ.

MR. J. M. LANGSTON,  
*Minister Resident of the United States of America, Port au Prince.*

[Inclosure 18 in No. 40.—Translation.]

*Mr. Langston to Mr. Carrié.*

LEGATION OF THE UNITED STATES,  
*Port au Prince, April 2, 1878.*

SIR: Your dispatch of the 1st instant has been received. In answer I have the honor to state that I have heretofore said to you, as early as 4 o'clock on the 30th ultimo, and again yesterday morning, about 10 o'clock, that I regretted that your government was unable to furnish an escort and guard in season to embark the refugees now in my legation upon a steamship then in port, advertised to leave for St. Thomas via Cape Haytien at 2 o'clock p. m., on the 30th ultimo, according to the understanding had between you and myself.

Be pleased to rest assured, sir, that I hold myself ready, in obedience to the high considerations of propriety, as well as the public tranquillity of your government, to embark the persons named at the earliest practicable moment.

A steamship of the Atlas line, the Atlas, returning from St. Marc, Hayti, will arrive at this port, on its way to Kingston, Jamaica, on next Wednesday or Thursday, when I trust the embarkation can be made. I may be permitted to express the hope that the government will be fully prepared by the day named to furnish the needed protection promised for the safe embarkation of the refugees.

With sentiments of high consideration, I am, your most obedient servant,  
JOHN MERCER LANGSTON.

Hon. F. CARRIÉ,  
*Secretary of State for Foreign Affairs, Port au Prince, Hayti.*

No. 269.

*Mr. Langston to Mr. Evarts.*

No. 42.] LEGATION OF THE UNITED STATES,  
*Port au Prince, Hayti, April 10, 1878. (Received April 24.)*

SIR: Referring to my No. 40, dated March 26, 1878, I have the honor to state that the three men, refugees, Laforest, Saintard, and Laraque, connected with the late revolutionary movement of Louis Tanis, and who took refuge in my legation, were embarked on the 3d instant, under the protection of the Haytian Government for Kingston, Jamaica.

No disturbance took place *en route* from my residence to the steamship "Atlas," of the Atlas line, upon which they, with seventeen others, were embarked. The crowd which assembled to witness this embarkation was immense, but in all respects manageable and orderly. In discharging their duty on this occasion the government officers were prompt and energetic. However, on the 31st ultimo, when, by previous arrangement with the government, this embarkation was to have taken place, the authorities were so slow and tardy in making their preparations for furnishing adequate protection to the refugees that it was impracticable to embark them on that day, the hour for the departure of the steamer, upon which they were to be sent away, having arrived some time before the escort was ready to leave its rendezvous. This may have been a fortunate circumstance, for it gave several additional days for the cooling of popular passion.

Generals Tanis, Chevalier, and Choisl still remain at the residence of the chargé d'affaires of Liberia.

The government has demanded these leaders of the movement, but it seems to have receded from its threat to take them if not delivered according to such demand. Counseled as to the position assumed by him, and sustained with regard thereto by his colleagues of the corps diplomatique in a unanimous judgment, General Lubin demeans himself in this matter with wisdom and courage. It is very apparent now that the government would be greatly pleased were these leaders even embarked; and, in all probability, within a very short time they will be permitted, under the protection of the government whose overthrow they attempted, as alleged, to take their departure beyond the limits of the republic. This seems to be the natural ending of Haytian revolutionary attempts. If they succeed, the administration of the government is changed; if they fail, their leaders, and a few of the more conspicuous followers, are exiled. Occasionally some more unfortunate one is shot by the mob.

It cannot be denied that asylum, as furnished in the legations and consulates located in this republic, is in very important senses objectionable. It is surprising to witness the readiness and assurance with which a defeated revolutionist approaches the door of such places, demanding, as a matter of right, admission and protection. And before the revolutionary attempt is made, when the probabilities of success and defeat are being calculated, this protection, in case of defeat, is regarded and accounted as sure; and by this means, refuge and escape are sought and gained. Exile is regarded as the only possible infliction; and this, tempered by that sort of care which results from diplomatic and consular interest and assistance. Such interest and assistance always tend, too, to dignify while they encourage revolutionary efforts. Antagonisms, also, as between foreign governments and that whose overthrow is attempted, under such circumstances, are quite inevitable, especially if the latter is earnest and decided in its purpose to deal vigorously and severely with the rebellious.

From the first, when called upon by the government, through Hon. F. Carrié, to do what I might, consistently, to prevent the destruction of life and property and maintain its authority, I have spared neither time nor effort in meeting what I conceived to be my duty. And I am fully persuaded that while no consideration of law or propriety has been violated on the one hand, no dictate of humanity or suggestion of Christian duty has been neglected upon the other. Mindful of the very great difficulty which our government experienced in the famous Canal case, I have sought to demean myself, in the matter of receiving refugees, with the greatest possible care and caution.

The expense and trouble connected with this matter of asylum constitute another consideration in favor of its abolition. But upon this I do not dwell.

While it may not be practicable, as yet, to wholly surrender this right and practice of asylum in Hayti, a right and practice suggested and supported by considerations of humanity only, it is to be hoped that the day is not distant when the enlightened nations represented here will deem it wise to abolish it.

In this connection consideration is not made of temptations to unjustifiable courses of conduct, either on the part of diplomatic and consular representatives or foreign residents, and yet this is a branch of the subject, as far as this republic is concerned, which is fruitful of reflection and thought. It has even been reported, in connection with the revolutionary movement under consideration, that leading merchants, including foreign residents, gave, and promised to give, large sums of money to its leaders. Several such persons have already been called before the "*commission d'Enquête*," to make answer to questions relating to such reports; with what result, it has not yet transpired. With respect to the officials referred to, none other than the most prudent and commendable course of conduct in this behalf has been pursued. And the government must ever regard with sentiments of gratitude their wise and salutary counsels and conduct.

I am, &c.,

JOHN MERCER LANGSTON.

No. 270.

*Mr. Evarts to Mr. Langston.*

No. 24.]

DEPARTMENT OF STATE,  
Washington, April 12, 1878.

SIR: Your dispatch No. 23, of the 24th ultimo, has been received. It is accompanied by the reply of the Haytian minister for foreign affairs to your note objecting to the consular tax of 1 per cent. on the value of merchandise exported from this country to Hayti. The reasons assigned by that functionary in defense of the policy of that tax are by no means deemed satisfactory.

It may be allowed that Hayti has a right to impose such duties upon importations from abroad as to her may seem expedient. Friendly nations which hold intercourse with her, however, also have reason to expect that this act of sovereignty will be exercised in her own dominions, and that the invidious character or degree of the charge will not be sought to be avoided by making her consuls in foreign countries tax-gatherers there.

You will consequently protest against the tax adverted to as decidedly offensive, at least in form, to this Government, and express a hope that the proper authority there may see the expediency of such further legislation as may obviate the objections adverted to.

The British Government has applied to us to join with them in protesting against the tax. It has not been thought advisable at present to accept the invitation. You may, however, confer freely upon the subject with the British representative there. Such conferences may make it more easy to compass the common object.

I am,

WM. M. EVARTS.

No. 271.

*Mr. Langston to Mr. Evarts.*

No. 54.]

LEGATION OF THE UNITED STATES,  
*Port au Prince, Hayti, May 10, 1878. (Received June 1.)*

SIR: On the first day of this month the fête of agriculture was celebrated in this city. The approach of this celebration was announced, on the evening of the 30th of April, by the firing of cannon, and the dawn of the following morning, the day of the fête, was saluted by the firing of the same great guns. At seven o'clock in the morning of the 1st instant, the various functionaries of the government, national and local, present at the capital, assembled at the national palace, and, at eight o'clock, the President, supported by the several ministers of his cabinet, and accompanied by a large escort of troops, repaired to Place Pétiou, where, in the presence of a large gathering, the products of agriculture were exhibited and the addresses delivered. Subsequently the assemblage, forming in line of march, led by bands of music and soldiers, accompanied by the President and his cabinet, repaired to the cathedral, where a *Te Deum* was chanted and high mass celebrated. At the close of the exercises here the competitors to whom prizes had been awarded, accompanied by the secretary of the interior and agriculture, went to the Hôtel Communal, where they were served with a sumptuous dinner. The conduct of this celebration seemed to give general satisfaction.

The present constitution of Hayti (the one of 1867) provides for two national celebrations. One occurs on the 1st day of January, and commemorates Haytian independence and the character and deeds of its chief hero, Jean Jacques Dessalines; the other occurs on the 1st day of May, and is intended, at present, to be an agricultural exhibition with competition for prizes awarded to those who excel in cultivation of quality and quantity of agricultural production. The language of Article 201 of the constitution reads as translated: "The national fêtes are that of the independence of Hayti, and its hero, the 1st of January, and that of agriculture, the 1st of May. The legal fêtes are determined by law."

On the 21st day of September, 1877, the government, through the department of the interior and agriculture, provided that the administrations of communes and arrondissements should arrange for local agricultural exhibitions; and at the same time and through the same agency provided for a national exhibition to take place at the capital on the 1st day of May. In accordance with such regulation there was held in this city, as already stated, on the 1st day of this month an agricultural exhibition.

The products had on display were neither numerous nor various. A few specimens of coffee, sugar-cane, and fruits constituted the sum total of what was to be seen. There were no horses, no sheep, no hogs, no cattle, no fowls on exhibition. Neither were cereals exhibited, nor such vegetables as potatoes, Irish or sweet. Corn, as grown in this country, is sometimes very good, although very inadequately cultivated generally, and very good specimens of it might have been produced. Horses, especially those used for saddle purposes, donkeys and mules used for draught, sheep and cattle, especially bullocks used in teams, are very abundant, and many of them of excellent quality. The sheep, of course, are valueless for wool, but furnish excellent mutton. Beautiful specimens of such animals as are here enumerated might have been put on

exhibition. It is not to be understood that improved breeds are referred to in this connection.

There was, however, no suitable provision made for exhibition, for anything like agricultural display. Every one presenting products held them in his hands. Neither table nor platform was provided as places of deposit and display; and yet, in spite of this very great inconvenience, the earnest attention given by those in attendance, both at Place Pétiou and the cathedral, discovered intelligent interest and improving understanding as to the subject of agricultural advancement.

The address of the Hon. Em. M. A. Gutierrez, the secretary of state of the interior and of agriculture, delivered on this occasion, herewith inclosed as translated, marked A, was received with intelligent appreciation and approval. As a representative of the government, presenting its purpose with regard to agricultural improvement in the country, this utterance of Mr. Gutierrez is worthy of special consideration. Other addresses were delivered; one by the magistrat communal; another by the president of the conseil of the arrondissement; but that of the secretary is the one which is significant. His views with regard to improving the machinery and implements of husbandry used in this country are correct and wise.

There is the largest room for improvement, for all the agricultural implements used in this country are rude enough. The chief ones are the common hoe and the machete; sometimes plows are seen, but I think never used. The ax is used for cutting and hewing timber and wood. But it is not a common instrument, and the style is by no means the best. Some machines of the smaller sizes and less improved styles are used in some localities for cleaning coffee and cotton, and grinding and pressing sugar-cane. But, in the main, the laborer here does not use improved implements. As far as the cultivation of the soil is concerned, its preparation and tillage, the harvesting of crops, the thrashing of grain, the cleaning of coffee and cotton, the preparation of rice, sugar, sirup, and taffia, the implements used are primitive and crude; they are faulty and inadequate to prosperous and advantageous tillage. It is not because they cannot be obtained that improved implements are not used; but because the people do not know about their value and are not disposed to learn. They prefer, as at present informed, to follow the old ways, cultivating industrial habits and methods which seem to be more easy because better understood, if they are less remunerative and advantageous. Of the methods of cultivation adopted it is only necessary to say that, as far as the tillers of the soil are concerned, there is not only a general lack of intelligence, but an indisposition, as already stated, to adopt new ones, with improved implements as required. It is hardly true that they are indisposed to labor; for they are, as a class, men and women, good workers. If the field and garden here could only be cultivated according to the well-tested and improved methods of enlightened nations, the same amount of labor—less labor in fact—would bring the abundant harvests of wise tillage to the Haytian laborer.

As more fully explanatory of the purpose and policy of the government with regard to the subject of this dispatch, I transmit herewith inclosed, as translated, circular numbered 12 of the department of the interior and agriculture. This circular will also render the address of the secretary more intelligible and easy of apprehension. Soil as fertile and easy of cultivation as that of Hayti, so generous in products, deserves kindly treatment of its tillers. And were the tillage improved by the introduction of better implements, and suitable

machinery used in harvesting and preparing its products for market, the rewards of agricultural industry would be greatly enhanced, and the general interests of the country promoted.

I have, &c.,

JOHN MERCER LANGSTON.

[Inclosure 1 in No. 54.—Translation.]

*Address of the secretary of agriculture.*

GENTLEMEN: The fête of agriculture of this day terminates the series of fêtes which are no longer in rapport by the method of award with the progressive march of the age. To the legitimate aspirations of the nation the government has responded in prescribing to the administrations communal and of the arrondissements the agricultural exhibition, September 21, 1877.

The dissensions which have broken out in the conseil communal of Port au Prince, the trouble which was introduced into the elections, the treason of March 14, have produced some deplorable results, among which must be reckoned the failure to execute measures which should tend on the part of each administration to establish the agricultural exhibition.

The government does not make light of difficulties which are connected with the execution of every measure the importance of which is not yet appreciated by agriculturists. To-day the government is happy to announce, in the presence of the chiefs of section, the councillors of agriculture who will shortly be proclaimed by the conseil d'arrondissement, the agriculturists here assembled, that the best method of encouraging the development of our tillage is to induce every citizen to offer to the appreciation of the conseil d'arrondissement, in the place of the exposition, the fruits of his labor, at stated periods, to compete in point of superiority and quantity, in order to obtain prizes more or less valuable, each conseil d'arrondissement being appraiser, *ex officio*, of the prosperity of agriculture in its locality.

The government is deeply interested in the introduction of central manufactories for making white sugar, machines to hull, to winnow, to clean coffee, to gin cotton, to extract the oil from our oleaginous grains, to grate, to press tapioca, to prepare rice, to grind our different cereals. It will avoid to the conseils d'arrondissement, who have not yet adopted the excellent plan of importing machinery, the expensive experiments to procure for themselves the best models of this kind, in order to recommend them. These conseils, called to endow their localities within the limit of their resources with suitable machines for the improvement of the product of our soil, should alone appreciate by the agricultural exhibition the merit of those agriculturists who ought to obtain them. The exhibition will only be closed at the end of this month.

Thus it is by the exhibition of your products, citizen agriculturists, that you will succeed in obtaining improved machines, good instruments pertaining to husbandry, proper to supply the insufficiency or the unwillingness of laborers.

The government will not hesitate to give encouragement to all real and well-directed efforts. Your productions are numerous and varied. The names and the prizes will be made known among you through the diligence of the conseil d'arrondissement.

Gentlemen, the chiefs of section, you are requested to second the efforts of the commandant d'arrondissement, the commune, the conseil d'arrondissement, the conseil communal, the commissaire of the government, and the justices of the peace. Your rôle to be well performed requires activity without limit. Remember that agriculture, like commerce, lives of guarantee and trust; the more severe you are against disorder, vagrancy, and theft, the more you will encourage the industrious agriculturists. The more you maintain the respect of person and property, the more you will see new establishments built in your rural sections, attracted by the good order which shall be established there by you.

Let us follow the President of the republic to the Temple of the Savior to implore His benedictions upon your families and your laborers.

Vive l'Agriculture!

Vive la Constitution!

Vive le Président d'Hayti!

[Inclosure 2 in No. 54.—Translation.]

*Circular of the Department of Agriculture.*

CIRCULAR No. 12.

Liberty! Equality! Fraternity!

Republic of Hayti, section of agriculture, seventy-fourth year of the independence.  
Office of the secretary of state for the department of the interior and agriculture.

PORT AU PRINCE, November 10, 1877.

To the conseils d'Arrondissements of the Republic:

GENTLEMEN: The plan of an agricultural exhibition at the headquarters of arrondissement having been proposed and accepted as a measure calculated to bring about an amelioration of our productions and the increase of our resources of exportation, it now only rests with the government to point out the means of realizing this by a course which is as easy as it is encouraging. You ought, above all, to labor to attain a complete uniformity of views with us for the classification of the prizes to be awarded, the preparation and the order of arrangement as to quality and quantity of the principal products to be exhibited, which will tend to show that we purpose, more and more to maintain those principles of order and unity, indispensable, above all, in the variety of work which has been confided to us.

The exhibition known as the fête of agriculture ought to be preceded, from the 15th to the 22d of April, by preparatory exhibitions in communes, to take place at the seat of the conseil communal. These preliminary exhibitions have in view to afford you leisure to verify and appreciate the productions placed in competition, according to the order of their condition, in order to determine upon the selection of those worthy of being exhibited at the central exhibition on the 1st of May.

Once classified, these productions must be conveyed to the headquarters of arrondissement, at the risk of the producers, in order to be shipped in good season, in vessels destined to receive them.

The competitors whose products have been approved of by the conseils communaux, from whatever section of the country they may come, must appear in person on the day of the fête of agriculture, with said products, at the grand distribution of awards. By this means the industrious agriculturist, in whatever section of the territory he lives, will have the satisfaction of seeing the fruits of his labors appreciated and enjoying the advantages of the exhibition and the benefits accruing therefrom.

It now only remains to classify and define the natural products of the first order for which prizes will be reserved by the conseils d'arrondissements according to the limit of their means. You will keep me informed of these amounts in arranging a price on each article. We enumerate: Coffee, first prize, superior quality, quantity of pounds to minimum, good condition of cleanliness; second prize, ordinary quality, clean, quantity of pounds to minimum; third prize, quality called Moka. Cotton, first prize, superior quality, quantity of pounds to minimum; second prize, inferior quality, quantity of pounds to minimum. Cacao, first prize, superior quality, quantity of pounds to minimum; second prize, ordinary quality, quantity of pounds to minimum. Indigo, one prize, quantity, pounds. White sugar, one prize, quantity, pounds; brown sugar, one prize, quantity, pounds. Sirup, prepared for exportation, at 45 degrees, in barrels. Camphor, quantity ad libitum. Vanilla, quantity ad libitum. Tobacco in leaf, seroons, of 25 to 50 pounds. Chitterling, three feet minimum. Ginger, quantity, barrels. Pistachio, quantity, barrels. Nuts of Pomme d'Acajo (mahogany apple) quantity, barrels. Divers cereals, corn, &c., quantity, barrels. Hoholy, quantity, barrels. Yams, in quantity of ten pounds. Potatoes, quantity, barrels. Couscans, quantity, barrels. Starch, quantity, barrels. Arrow-root, quantity, barrels. Ordinary pineapples, one prize. Loaf-sugar, one prize, superior quality. Divers textures, one prize. Cords, one prize. Hammocks, one prize. Stallions, superior quality, ad libitum in size of breed. Mules, one prize. Mares, superior breed. Fat cattle, one prize. Fat swine, one prize. Fat sheep, according to weight, one prize. Fat goats, according to weight, one prize. Superior game, according to weight, one prize. Divers animals, improved breeds, to raise for exportation. Palma Christi oil, one prize, quantity, gallons.

Such is the plan which must serve as a basis and which permits the country, according to the degree of administrative ability and the intellectual development of the population, to produce its elements of life and prosperity.

Please accept, Messieurs les Conseillers, the expression of my distinguished consideration.

EM M. A. GUTIERREZ.



No. 272.

*Mr. Langston to Mr. Ecarts.*

No. 55.]

LEGATION OF THE UNITED STATES.

*Port au Prince, Hayti, May 25, 1878. (Received June 10.)*

SIR: The constitution of Hayti requires that the Corps Legislatif assemble on the first Monday of April annually. The members of this body do not, however, seem to trouble themselves about any rigid observance of the day named for their assembling. Individual and business convenience seems rather to be consulted. Not even public threatened danger moves them. Not even difficult problems of national finance and revenue, involving public credit and the maintenance of good order, animate their purpose to be punctual in meeting upon the day designated by law. Hence the national assembly, composed, according to the constitution, of the members of the senate and the chamber of deputies, and which is to be convened and organized at the annual session of these bodies, did not meet this year till the 16th day of this month. More than a month and a half had elapsed before a quorum could be had in these branches of the government so as to organize this assembly. The opening of the assembly was imposing. The president of the senate, assisted by the president of the chamber of deputies, presided. The President of the republic, the members of the cabinet, the corps diplomatique and consularie, the civil and military authorities of the capital, and many of the more prominent and distinguished citizens of the country were in attendance.

As reflecting the general sentiment and purpose of the nation, certainly as reflecting the sentiment and purpose of the earnest and thoughtful portion of the community, that patriotic and sagacious portion upon whose manly resolves and efforts the declining condition of the country is to be changed, and the impulses and activities of the people quickened and guided in its real interest and welfare, as it is to be hoped, I have translated and transmit, herewith inclosed, marked respectively 1 and 2, the addresses of Dr. M. Hippolyte, president of the national assembly, and of Boisrond Canal, President of the republic, delivered on this occasion.

The national assembly includes in its membership several of the more distinguished and influential politicians and statesmen of the republic. There are several persons members who are men of real ability and patriotism, and who very much surpass in their accomplishments and power as statesmen the most advanced Haytian lawgiver of former days. In this fact is to be noted a hopeful promise. Were revolutions less common and expatriations less frequent, this class of more intelligent, efficient, and useful men would be much more numerous.

How far the goodly sentiments and purposes, the appreciation of the unfortunate condition of the country and government, as expressed in the addresses herewith inclosed, and the expectations and aspirations of the people with regard to change and amelioration, will be realized by wise action on the part of the legislature and executive, remains to be determined. No prophecy with regard thereto at this juncture seems to be wise.

I am, &amp;c.,

JOHN MERCER LANGSTON.

[Inclosure 1 in No. 55.—Translation.]

*Address of Dr. Hyppolyte.*

"Glory to God in the highest; peace on earth; and good will toward men."

GENTLEMEN, SENATORS, AND DEPUTIES: We are here gathered for the third time since the revolution, ever memorable for having ended the odious tyranny of the Domingues-Rameaux. We are now in the sanctuary of liberty, whither we have been delegated by the people of Hayti to guard, with jealous eye, their interests; to work, at the same time, with peaceful conscience, for their weal and prosperity.

You must not forget, gentlemen, that the session which is now being inaugurated is the last one of a legislature which in three months, and at the utmost four, will be committed to the impartial scrutiny of history. It is now more urgent than ever that we should unite all our efforts to obtain, if possible, a page of glory in its immortal tablets.

The first legislature witnessed the bloody record of an administration which, after having exhausted our riches, ruined our credit, even compromising the nation's honor, only left us fearful ruin on every hand to work upon, terrible wounds to cure, and a chasm to bridge. We went bravely to work; but is the work accomplished? Alas! there is much yet to be done. The condition of our finances is far from satisfactory. Its most important problems must yet be solved to the satisfaction of all. A desolating contest, which must be terminated, has for two years retarded this much-desired solution. It becomes an urgent necessity to defend Haytian interests against all unjust demands, illegal pretensions, and also against those who contribute the most, by their waste, in ruining the national credit. Want, fearful public misery, the fruits of a financial situation not yet generally known, through prejudice existing on all sides, stands erect, displays its hideous rage, calling upon us loudly for a final solution. This is of grave importance, gentlemen, and yet it is not all.

From one end to the other of the republic, as you are aware, a strange, undefined uneasiness has settled for some time past on our people, banishing whatever hope they might have enjoyed. The least rumor causes disquietude, for we know that blind criminal passions are agitated, disturbing the country and threatening to destroy our internal peace, the only boon which remains to us. It is not only at Limonade and a few other little villages that these fears have been entertained. At Port au Prince, even, the capital of Hayti, blood has flowed; bullets, criminally destined to overthrow our liberal institutions, have been shot among women and other defenseless people.

President of Hayti: Since you have added by your presence to the luster of this ceremony, allow us to use this opportunity to congratulate you, in the name of our constituents, upon the decisive victory the government has obtained over the enemies of public order in the events which have lately occurred. You have no doubt felt happy, Mr. President, in witnessing the readiness evinced by our good citizens, who have on all sides proffered to you their courage and their arms. This is the just reward of your political honesty. In remaining faithful to your constitutional oath, you have identified yourself with the nation. You have ceased to maintain, as have so many of your predecessors, a personal cause. Your cause has become that of the nation. You have found her, and you will always find her, between you and your enemies. Persevere, Mr. President, in this path of uprightness and loyalty, and when the time arrives to resign your seat, you will bear to your retreat abundant glory—the glory of being pointed out by your fellow-citizens as a model to your successors.

Gentlemen, senators, and deputies: We have, as I have already said, a first and great duty to fulfill; it is to calm those fears and apprehensions that I have already reminded you as existing among our people; and in order to obtain this general sense of security, we must ourselves offer the example of concord, a sincere brotherly feeling among the members of this legislature. Ah! that I could command sufficient eloquence to drive far from these walls the discord which for thirty years has marred our progress and annihilated our noblest aspirations. Let us endeavor, my dear colleagues, to re-establish among us peace, kindness, and harmony; we owe it to our wives, our sons, our aged parents, who, far from this assembly, tremble when they hear the cannon of alarm, the signal of civil war, of blind passion, and brute force, or else we may have in the future to clash one against the other.

We have been subjected to ceaseless struggle since 1858; we have shed the best blood in order to secure in the management of our country intelligence, which then was accorded only a secondary position, while ignorance reigned supreme. Must we render fruitless this struggle at the very hour when we have every reason to believe that we have obtained a complete victory? Why, now that ignorance is confused, or, shall I say, convinced, and is wiped out from one end to the other of the republic, and then seeks refuge at Kingston, Paris, and elsewhere, conspiring to place discord in action, are we to allow the obliteration of order by passions and ignorance? No; that shall not be. No; a thousand times no. Intelligent men of my country, you will not

offer this sad spectacle to the civilized world. You will not allow such a final verdict to be delivered against the black race, against a race which has furnished such noble natures that one should be proud of being its descendant.

Far from that, my dear colleagues. Each one of us, taking compassion upon our commune, and too unhappy country, will throw aside his anger and animosity, and, uniting in one bond the intelligence of some, the willingness of others, we shall be enabled to enjoy good-will, fraternity, and kindness one for another in all parliamentary contests that may occur during the progress of this session. What is necessary in order to obtain this? Let each remember that no interest other than a national one ought to be tolerated here.

In the name of the constitution I formally declare open the third session of the fifteenth legislature.

Vive l'union.

Vive la liberté.

Vive l'indépendance.

Vive la constitution.

Vive le Président d'Haïti.

---

[Inclosure 2 in No. 55.—Translation.]

*Address of President Canal.*

MR. PRESIDENT OF THE NATIONAL ASSEMBLY: In joining with you in the inauguration of the third session of your legislature, I have not only obeyed the dictates of duty, but have wished, at the same time, to give to the assembly, whose votes have confided to me the executive, renewed proof of my sympathy; and to the country that has intrusted its destiny in my care a fresh proof of the necessary alliance between the chief of the executive and the houses of legislature.

You have reminded us of the cost of our institutions and the difficulties they have encountered in the lamented past. In the deep embarrassments which fall upon this administration, is not concord among all politicians sincerely devoted to their country the first duty which enables us to surmount them? For my part, I have never doubted, whatever may have been the difficulties of my station, whatever the excitement or susceptibility caused by unfortunate circumstances, I have always imposed upon myself the duty of shaping my policy upon the necessity of unanimity between the great bodies of state, a necessity which, in my sight, predominates over all others, and must prove the stability of our institutions. This policy, perhaps, has been the butt of interested or passionate critics. All sorts of ambition and impatience have there sought refuge for pretext and arms. But the good sense of the public has done justice to the matter, and in face of the devotion with which the city of Port au Prince conducted, but the other day, the defense of my government, together with that of society, in presence of the flattering praise that you accord to the personification of the policy I represent, I have entirely forgotten the bitterness entertained by those critics, even the cruelty of treachery, in order to sincerely rejoice with you on the fruits of the inauguration of a system in which the chief of the executive, overlooking all personal interest, is merely a visible representative of the law and those institutions intrusted to his care.

These results, without belittling the difficulties that remain to be surmounted, must be protected by the maintenance of unity between the executive and the legislature, and in the appeal for unity which you have made to this assembly, I sincerely join my wishes to yours. I ardently hope that those intelligent men who, for different causes and at different periods, have already undergone the hard apprenticeship of revolutions and their consequences, will forget the past differences, their recent animosities, to join together their intelligence, and seek the remedy for our perilous condition.

Serious want burdens the country; the causes thereof are numerous. Can it be the disastrous legacy of our revolutions and of former administrations, or, if we will go further in our history, is not our situation caused, on certain sides, by the neglect of work and the diminution of production; or is this the logical result of laws which have alienated European civilization from our borders, not granting it the right to be incorporated with us, and replenish our soil by means of its example and capital? Whatever may be the solution, we here have a question of which urgent necessity demands an investigation; we here have a field of inquiry in which our native faculties, rising above party action, should find matter for wise effort.

Mr. President of the National Assembly: The legislature and I have assumed the direction of national affairs in one of the most critical epochs of our history. The legislative body and I must relinquish in a few months the mandates confided to us by the country. I would rejoice if, through our joint efforts, and by means of a stroke at

once bold and prudent, through its instrumentality in preparing the future and at the same time keeping in hand the past, we could give luster to the community by our works. I would rejoice if we could hand to our successors, through the example of the unity which has dwelt among us, the fruits of a reform which would elevate our country from its ruin, that her thanks may be associated with the remembrance of the fifteenth legislature and my government. Such, gentlemen, is the wish I express, while assisting with you at the opening of this new session, and such, I am sure, are the sentiments that the country at large will discover in you.

Vive la constitution de 1867!

Vive la representation nationale!

Vive l'unité de la famille Haïtienne!

No. 273.

*Mr. Langston to Mr. Evarts.*

No. 68.]

LEGATION OF THE UNITED STATES,  
*Port au Prince, Hayti, July 11, 1878. (Received July 23.)*

SIR: On the 4th instant the anniversary of our national independence was duly signalized in this city by the general and cordial display of the colors of the several governments whose representatives reside here. All the flags were thrown to the breezes at eight o'clock in the morning, and were kept flying until six o'clock in the evening.

Expressions of kindly feeling with regard to our independence, our matchless growth as a nation, our maintenance of free institutions, our suppression of the late rebellion, our defense and support of the integrity of the Union, our present patriotic attempts at reconciliation of the two great sections of the country, and our establishment of equal freedom and impartial legal and political rights were frequently heard upon the streets and elsewhere as the impassioned sons of this republic looked upon the ensign of our mighty sovereignty, and witnessed the hearty sympathy which other governments gave thereto in the happy display of their several national banners.

At a dinner given on the 4th instant by the representative of our government, the most beautiful sentiments and utterances were offered and made by the President, members of the cabinet, the corps diplomatique, and consulaire, the president of the senate, the speaker of the house of deputies, and gentlemen, senators, and deputies—sentiments and utterances eulogistic of our country, its people, its government, its laws, and its Christian civilization. Such sentiments and utterances were heartily approved and applauded by the large company present.

I have, &c.,

JOHN M. LANGSTON.

No. 274.

*Mr. Langston to Mr. Evarts.*

No. 69.]

LEGATION OF THE UNITED STATES,  
*Port au Prince, Hayti, July 11, 1878. (Received July 23.)*

SIR: On last Monday, the 8th instant, the members of the cabinet of President Canal, upon his request, presented to him their resignations. It is said that these resignations were asked because of a want of general

and cordial sympathy between the President and the gentlemen composing his cabinet on political questions of vital importance.

Rumors are afloat as to probable cabinet appointments, but as yet no definite information can be gathered on this subject.

It is to be hoped that no unnecessary delay will be had in settling this matter. In the first place, business is delayed and obstructed in the various branches of the government; and, in the next place, agitation of such questions here tends to produce uneasiness in the public mind, which may result in attempts at revolution.

There has been for some days past considerable fear of an outbreak in some part of the northern portion of the country; and it was reported but a few days ago that a movement of revolutionary character had shown itself in or near Cape Haytien and at St. Marc. The government at once dispatched troops upon its war vessels to these points; but found no movement at either of consequence. There is, however, just now a feverish condition of the public pulse; and if the President acts promptly in dealing with this matter of the cabinet, he will do his country a special service. I shall keep you fully advised with regard to the result.

I have, &c.,

JOHN M. LANGSTON.

---

No. 275.

*Mr. Langston to Mr. Evarts.*

No. 74.]

LEGATION OF THE UNITED STATES,  
*Port au Prince, Hayti, July 24, 1878.* (Received August 8.)

SIR: In my dispatch numbered 69, of the 11th instant, I advised you of the resignation of the several members of the cabinet of President Canal. I have now the honor to inform you that a new cabinet has been organized, composed of Messrs. Ernest Roumain, secretary of state of finances, commerce, and foreign relations; St. Ilmont Louis Firmin Blot, secretary of state of the interior and agriculture; C. Archin, secretary of state of justice, public instruction, and worship; and T. Carrié, secretary of state of war and marine. Mr. Blot, a resident of Cape Haitien, has not yet arrived at the capital and entered upon the discharge of the duties of his office; but during the interim of his absence the performance of such duties is devolved upon his colleague, Mr. Archin, of the department of justice.

In announcing officially, on the 16th instant, the reorganization of the cabinet, Mr. Roumain, the minister of foreign affairs, addressed me a dispatch of such kindly temper and feeling, such generous and noble purpose, with regard to the friendly relations of our respective governments, that I have deemed it proper to transmit for your perusal, herewith inclosed, a copy thereof, with translation. Of course, in my reply, these kindly sentiments were heartily reciprocated.

The arret of the government, by which the appointment of the new members of the cabinet is announced and the resignation of the retiring members accepted and published, is interesting, in view of the fact that it briefly indicates the professional and military standing of the several members of the present cabinet, and, as an official document, to the stranger is curious and novel. I transmit, therefore, herewith inclosed, this document in its original form and language, with translation.

With regard to the action of the President had in the matter of reorganizing his cabinet, there seems to be general popular acquiescence, if not approval. Whether the political leaders of the National Assembly and others, who are said to have had large influence with the outgoing cabinet, will quietly acquiesce, remains to be seen. But no revolutionary outbreak is to be apprehended now in connection with this subject. The President seems to be strong and his administration firm.

I have, &c.,

JOHN M. LANGSTON.

[Inclosure in No. 74.—Translation.]

*Mr. Roumain to Mr. Langston.*

OFFICE OF THE SECRETARY OF STATE FOR FOREIGN RELATIONS,  
Port au Prince, July 16, 1878.

MR. MINISTER: I have the honor to inform you that the President of the republic, by an order dated the 14th instant, two copies of which I transmit to you herewith inclosed, has called me to take charge of the department of finance, commerce, and foreign relations.

In bringing this action to your notice, I am happy to express to you the very great satisfaction I experience in entering into official relations with you.

Convinced of the ardent desire of my government to maintain the good relations which subsist between Hayti and the United States of America, I give you the assurance that I shall not neglect any effort with a view to contribute to the attainment of this happy result. I love to persuade myself that in this purpose I shall meet always the kindly dispositions which have constantly animated you towards my government.

Please accept, Mr. Minister, the assurance of my very high consideration.

The secretary of state for foreign affairs, &c.,

ERNEST ROUMAIN.

MR. J. M. LANGSTON,  
*Minister Resident and Consul-General of the  
United States of America, Port au Prince.*

[Inclosure to inclosure No. 74.—Translation, &c.]

*Order of President Canal.*

Liberty! Equality! Fraternity!

REPUBLIC OF HAYTI.

*Order.*

BOISROND CANAL, *President of the Republic of Hayti.*

In view of the necessity of constituting a new council of secretaries of state, and article 113 of the constitution—

Ordered:

ART. 1. The general of division, T. Carrié, formerly secretary of state, has been named secretary of state of war and of marine, in place of General Auguste Montas, whose resignation has been accepted.

The general of division, St. Ilmont Firmin Blot, has been named secretary of state of the interior and agriculture in place of General Em. M. A. Gutierrez, whose resignation has been accepted.

The general of division, Ernest Roumain, has been named secretary of state of finance, commerce, and foreign relations in place of citizen Félix Carrié, whose resignation has been accepted.

Citizen C. Archin, lawyer, has been named secretary of state of justice, public instruction, and worship in place of citizen Dr. Ju. Joseph, whose resignation has been accepted.

ART. 2. The secretary of state of justice, public instruction and worship is charged during the interim with the portfolio of the interior and of agriculture, until the arrival of the one named thereto.

Given at the national palace, at Port au Prince, 14th of July, 1878, seventy-fifth year of the independence.

BOISROND CANAL.

No. 276.

*Mr. Langston to Mr. Evarts.*

No. 78.]

LEGATION OF THE UNITED STATES,  
*Port au Prince, Hayti, July 25, 1878. (Received August 8.)*

SIR: I have the honor to inclose herewith the proclamation of President Canal, with translation thereof, dated July 8, 1878, concerning the late revolutionary disturbances at Cape Haytien, their suppression and the conduct of the government troops, whose services were in requisition in connection therewith.

I am just in receipt of a dispatch from our consul, Mr. Stanislas Goutier, of Cape Haytien, by which I am advised that on the 16th of this month the *St. Michel*, a war-vessel of the Haytian Government, dispatched to Fort Liberty upon service connected with the troubles already referred to, and others anticipated, fired two guns at and ran into the American schooner *Augustus J. Fabens*, E. C. Harris, master, bound from Port au Prince to Fort Liberty, and considerably damaged said vessel, while lying to, with colors flying at topmast, for a pilot, to take her to the town of Fort Liberty.

The damages in this case amount, according to survey had, including repairs to the vessels her sails, rigging, and demurrage for forty-five days, at \$30 per day, according to her charter-party, to \$3,700.

This subject, with its bad features, I shall bring to the attention of the Haytian authorities without delay, and ask immediate and proper adjustment.

I am, &amp;c.,

JOHN MERCER LANGSTON.

[Inclosure in No. 78—Translation.]

## PROCLAMATION.

Boisrond Canal, President of the Republic of Hayti, to the people and to the army:

HAYTIANS! Bélonv Vincent and Dorvil Théodore, who have so often rendered themselves conspicuous by armed revolts against the established order of things, have renewed their work of disorder and social disorganization. Again they have unfurled the standard at Grande-Rivière and at Cape Haytien.

The government, advised of their destructive measures, had taken precaution to destroy their criminal project or to conquer them in a contest of brief duration.

On the 4th of July, the appointed day, Dorvil Théodore and his band attacked the Grande-Rivière of the north, and some hours afterward fled in disgrace, at the close of an attack as firm as energetic. During the action a ball wounded the arm of a general officer, the brave Almon Mars, commandant of the commune of the Grande-Rivière of the north. The insurgents were at the same time trailed in the section of Joli-Trou.

During the same day, the contumacious Bélonv Vincent, who was said to have taken up refuge in the Dominican part, boldly showed himself at Cape Haytien, gave the signal of revolt, and, after disabling one of our soldiers and wounding six others, fell himself, under the fire of the brave defenders of society.

Order has been established at all points where these odious attempts proved abortive. Honor to the brave Generals Monpoint, jr., and Séide Télémaque. They fully appreciated their duty. The country and the government will remember them.

Haytians! When our institutions are thus menaced, our duty is to stand united and offer an energetic resistance to those who have sworn to overthrow them. This union

will insure our victory, and our institutions will continue to shine brighter and brighter than ever, and our advancement in progress and civilization more glorious.

"Vive la constitution!"

Given at the national palace at Port au Prince July 8, 1878, the seventy-fifth year of the independence.

BOISROND CANAL.

By the President :

The secretary of state of war and marine,

AUGUSTE MONTAS.

The secretary of state of interior and agriculture,

EM. M. A. GUTIERREZ.

The secretary of state of finances, commerce, and foreign relations,

F. CARRIÉ.

The secretary of state of public instruction, justice, and worship,

Dr. JN. JOSEPH.

## ITALY.

No. 277.

*Mr. Marsh to Mr. Evarts.*

No. 679.]

LEGATION OF THE UNITED STATES,  
*Rome, June 2, 1877. (Received June 18, 1877.)*

SIR : The influx of pilgrims to attend the fiftieth anniversary of Pope Pius IX's election to the episcopate has ceased, with the exception of the Spanish contingent, which is estimated at something less than 3,000. The total number thus far little exceeds 8,000, as is ascertained from the police records. The pilgrims, therefore, have not formed a body sufficiently strong in numbers to venture upon organized violence in the face of the forces of the government and the municipality. Still, there have been not a few instances of provocative words and acts on the part of the pilgrims, and the zealots of both parties, papal and anti-papal are greatly excited. Notwithstanding this, a numerously attended public meeting, held in this city on Thursday, the 31st of May, to protest against the excesses and usurpations of the clericals, and at which strongly denunciatory language was used by the speakers, was conducted with perfect tranquillity; and I see no serious reason to anticipate any disturbance of the public peace, though some apprehend danger from the excessive zeal of the expected Spanish pilgrims. The pilgrims are in very large proportion ecclesiastics, comprising a large number of cardinals and other dignitaries of the church, who visit Rome, not as pilgrims simply, but for purposes of mutual consultation, and as members of the probably approaching conclave for the election of a successor to the present Pope.

Of course the consultations of these personages are not public, but it is ascertained that, at a recent meeting of the most conspicuous among them, it was decided by a nearly unanimous vote to advise Pius IX to abandon his profaned and desecrated capital, and to retire, with his whole curia, to the purer soil of Lyons, in France. It is vehemently suspected that the coincidence of this resolution with the recent political movement of the chief of the French State was not accidental, and at Rome, where all things are contemplated through a clerical mist, this belief is very general. It is believed that the Pope would have yielded to this advice but for the strenuous opposition of his physicians, who



were of opinion that to attempt such a journey would involve his certain and speedy death.

I have, &c.,

GEORGE P. MARSH.

No. 278.

*Mr. Evarts to Mr. Marsh.*

No. 587.]

DEPARTMENT OF STATE,  
Washington, July 25, 1877.

SIR: I inclose herewith a copy of a communication, dated the 11th instant, from Mr. G. Onesti, in behalf of Felice Largomarsino, a naturalized citizen of the United States, who has been impressed into the Italian army. This is understood to be the same person as that mentioned in my instruction No. 586, of the 17th instant, under the name of Largo Messina.

Should the result of your inquiries appear to justify such a course, you are authorized to use your good offices with the proper authorities with a view of obtaining the man's discharge.

I am, &c.,

WM. M. EVARTS.

[Inclosure in No. 587.]

*Mr. Onesti to Mr. Evarts.*

SAN FRANCISCO, July 11, 1877.

SIR:

In the month of October, 1875, he arrived at Torreni, Italy, intending to spend a year in his native land, and at the expiration of that time to return to the United States and to remain there.

In a few days after his arrival he was officially notified that he was drafted to serve in the Italian army. Claiming to be a citizen of the United States, he refused to obey the summons, and was subsequently arrested upon the charge of being a deserter from the Italian army.

He immediately protested against both the draft and the arrest, and contested the right of the government to force him to serve as a soldier, in the appropriate courts, until, upon appeal, it was decided by the highest tribunal at Rome having jurisdiction of such matters that the charge of desertion be dismissed, but that Felice Largomarsino must be remanded to take his place in the army.

Further resistance being useless, he entered the army against his will. He was assigned to the twenty-sixth regiment, in the commissary department, at Florence.

Although his duties are not so irksome as those performed by a common soldier, yet he desires, if it be possible, to be released from the service, and permitted to return to the United States.

Having related the facts of my brother-in-law's impressment into the Italian army, I most respectfully ask you to use your kind offices with the Italian Government for the purpose of effecting his discharge from the army, and, as a consequence, his return to the United States.

I am aware that no convention between the United States and the King of Italy has ever been arranged to effect a treaty of naturalization; but I am strongly impressed with the belief that if you shall deem it proper, in your official capacity, to interpose on behalf of Mr. Felice Largomarsino, the Italian Government will, with due respect to the nation and people you represent, consider your appeal, and restore him to the society of his family and his friends, and also to the country of his adoption.

Allow me in addition to say that any effort on your part to obtain the object so much desired will be highly appreciated not only by myself, but also by the Italian population residing here and throughout the United States.

No. 279.

*Mr. Wurts to Mr. Evarts.*

No. 692.]

LEGATION OF THE UNITED STATES,  
*Rome, August 7, 1877. (Received August 27.)*

SIR: I hasten to reply, as far as able, to your instruction No. 586, dated July 17, 1877, on the subject of the alleged impressment of a certain Largo Messina, claiming to be an American citizen, into the military service of Italy, and beg to inform you that no complaint on behalf of Largo Messina has ever been made to this legation, and that the first information on the subject is derived from the article of the New York Herald annexed to your instruction No. 586. As this article of the Herald does not state where or when the occurrence took place, the legation does not know whether it is of recent or of remote date; and there is nothing in the article to guide us in making inquiries, the name itself, Largo Messina, being an improbable one.

In the hope, however, of eliciting some information on the subject, I have had an interview with Count Tornielli, secretary-general of the minister of foreign affairs, and, to my surprise, found him fully cognizant of the principal facts in the case, although unable to tell me the precise date of the occurrence. The name of the person in question is Largomarsino, not Largo Messina, as stated in the article in the Herald.

It appears that some time ago Count Litta, the Italian chargé d'affaires at Washington, either at the instance of some friend of Largomarsino or on account of his attention being called to an article on the subject in a newspaper, inquired of the ministry of foreign affairs for particulars in the case, and the following facts were ascertained:

Largomarsino left Italy with his father at the age of two; he, when grown up—date not known—returned to Italy, to his native village, near Genoa, on a visit, it is said; then he was informed that, his name being on the rolls of conscription and he not having presented himself at the proper time, he would have to be treated as a deserter; he was consequently tried on that charge by a military tribunal at Rome, but acquitted; he was, however, informed that he would be obliged to serve his time in the army; and he is now with a regiment of infantry in Northern Italy.

These are all the facts of the case that Count Tornielli could tell me. He added that Count Litta, at Washington, had all the information on the subject.

The secretary-general expressed himself with much firmness as to the allegiance of Italian born subjects to their native land, saying that it was a point which the Government of Italy would not abandon; that, to make a treaty with the stipulation waiving claim to the allegiance, with its implied obligations of Italian born subjects, it would be first necessary to change the Italian civil code. Article III of the convention of 1871 between the two countries is not considered to be applicable to the point of primary allegiance of citizens of the two contracting powers or to have the signification we give to it.

In my interview with the secretary-general I limited myself to obtaining the foregoing information and to expressing regret at an occurrence which may revive a delicate subject of controversy heretofore quietly settled between the two governments without coming to a direct issue; nor have I addressed any communication to the ministry of foreign affairs on this subject, as your instruction No. 586 merely directs the legation to report to the Department what information could be obtained.

While waiting for further instructions, it is well here to acquaint the Department with the experience of this legation with the Government of Italy in similar cases. For this I beg to refer you to the dispatches of Mr. Marsh, on file at the Department of State, Nos. 332, 343, 350, 354, 365, 391, in the affair of Sbarbaro; Nos. 421, 422, 427, in that of Biagiotti; and No. 557 in that of Ceriano.

These dispatches contain full details of the negotiations in those cases, and state the views of the Italian Government on the subject of the allegiance owed by its citizens to their native country, a point from which they have never shown any inclination to recede, and they decline to recognize, in the act of any foreign state, the power to release their subjects from the obligations implied by their allegiance to the country of their birth.

The question was raised in treating of the aforementioned cases, and the Italian Government has always insisted on that doctrine; but the question has never before come to a direct issue, because the conscript has been rejected or physically unfit for service, or has contrived to escape out of the Italian jurisdiction, or has withdrawn his complaint from fear of being punished for fraudulently obtaining a certificate of naturalization, and, with the exception of Largomarsino, we have no reason to believe that any American citizen is now held to service in the Italian army against his will.

I have, &c.,

GEORGE W. WURTS.

No. 280.

*Mr. Wurts to Mr. Evarts.*

No. 694.]

LEGATION OF THE UNITED STATES,  
*Rome, August 11, 1877. (Received August 27.)*

SIR: Your instruction No. 587, dated July 25, 1877, with a copy of a communication from Mr. Onesti in behalf of Felice Largomarsino, reached me yesterday morning. By this instruction you authorize this legation to use its good offices to obtain the man's discharge.

My dispatch No. 692 of the 7th instant, informed you of the interview I had with the secretary-general of foreign affairs, with the object of obtaining information in the case, and, during the conversation on the subject in general, of the very decided tone taken by the secretary-general in speaking of this and kindred cases, declaring that the Italian Government would not swerve from the point of exacting from their born subjects fulfillment of the obligations of their first allegiance.

I have now had a second interview with the aforementioned officer of the Italian Government, and have informed him that the Government of the United States has interested itself in the case of this young man, and hopes that he will be discharged from the military service of Italy. To this the secretary-general replied in the same sense as in my former interview on the same subject. He added that there were two categories of Italian-born naturalized citizens or subjects of foreign powers: The first are the children of parents naturalized abroad, who, by the act of their parents, have themselves become aliens; for such cases there is a certain ambiguity in the Italian code that leaves a door open for their escape

from the articles of conscription; although, in his own mind, the children of naturalized parents are quite as liable to the obligations of allegiance as other born Italian subjects. The second category are the children who have become naturalized in a foreign country, whose parents have not changed their nationality but have remained subjects of the King; for these there is no evasion of their service in the army, should they return to the land of their birth. The case of Largomarsino belongs to this category, the parent or relation who took him to America not having, it is stated, become a naturalized citizen of that country.

As your instruction does not direct me to make a formal demand for the release of Largomarsino, and in the certainty of an unfavorable reception by the ministry of foreign affairs of any written communication with such a request, I have deemed it prudent to limit myself to the above-stated action, and therefore ask for further instructions for whatever steps are now to be taken in the matter.

I have, &c.,

GEORGE W. WURTS.

---

No. 281.

*Mr. Seward to Mr. Marsh.*

No. 591.]

DEPARTMENT OF STATE,  
Washington, September 12, 1877.

SIR: Mr. Wurts's dispatch of the 7th of August, ultimo (No. 692), in relation to the case of Mr. Felice Largomarsino, has been received.

At the date of my instruction to you of the 17th of July last, the Department was possessed of no information in relation to the matter beyond that which was brought to its attention by the notice of the affair in the public press. Shortly after, however, a letter was received from Largomarsino's brother-in-law, Mr. Onesti, who is also a citizen of the United States, and a resident of San Francisco, Cal.

Mr. Onesti gives a frank and detailed history of Largomarsino's life, from his early infancy up to the present moment, together with an account of the occurrences in Italy which have resulted in his present embarrassment. This account corresponds in all respects with the information conveyed by Mr. Wurts's dispatch. Upon receipt of the dispatch in question, the subject was referred to the law officer of the Department, who, after a careful examination of all the facts and circumstances, as well as the precedents referred to by Mr. Wurts, has made a report, the suggestions of which meet with approval. I transmit herewith a copy of the report, for your information and guidance in the future progress of the matter.

The circumstances under which Mr. Largomarsino is detained from his home and his country are not only onerous to him, but are also a severe and great distress to his family and friends in California.

His home has been in that State from his childhood, his relations and his property interests are there, and all his hopes and future prospects in life are centered in the institutions and opportunities of this his adopted— it might almost be said native—country. He appears, moreover, to be an intelligent, patriotic, and law-abiding young man. He exhausted

every legal remedy before the Italian tribunals which the laws of that country afforded him. Under these circumstances the Department conceives that he is entitled to the friendly interposition of this government with that of Italy, with a view of securing his discharge from the military service of the King of Italy and his restoration to his home.

It is desired, therefore, that you will take the earliest opportunity of bringing the subject again to the attention of His Majesty's Government in this spirit of friendly international request, and in such words of your own as you may deem best calculated to facilitate the success of your efforts, reporting the result to the Department with as little delay as convenient.

I am, &c.,

F. W. SEWARD,  
*Acting Secretary.*




---

No. 282.

*Mr. Wurts to Mr. Evarts.*

No. 699.]

LEGATION OF THE UNITED STATES,  
*Rome, September 16, 1877. (Received October 4.)*

SIR: Without waiting to make out a translation of a note of considerable length from the Italian ministry of foreign affairs received by me to-day, I hasten to inform you of the substance of it, which is the formal denunciation on the part of the Italian Government of the consular convention between the United States and Italy, which will cease to have effect on September 17, 1878.

At the same time the Italian Government signifies its willingness to subscribe to a new convention with the United States, but with the exclusion from it of Article VI, granting immunities to the dwellings of consular officers.

I shall transmit to the Department of State a copy and translation of this note as soon as the latter can be made.

I have, &c.,

GEORGE W. WURTS.

---

No. 283.

*Mr. Wurts to Mr. Evarts.*

No. 700.]

LEGATION OF THE UNITED STATES,  
*Rome, September 18, 1877. (Received October 8.)*

SIR: Referring to my dispatch No. 699, of the 16th instant, I inclose to you herewith a copy and translation of a note from the Italian ministry of foreign affairs, by which the Government of the King signifies to the Government of the United States its formal intention to terminate on the 17th of September, 1878, the consular convention now existing between the two countries.

I have, &c.,

GEORGE W. WURTS.

[Inclosure in No. 700.—Translation.]

*Mr. Melegari to Mr. Ecarts.*

ROME, September 14, 1877.

SIR: The consular conventions at present existing between Italy and foreign powers agree, in general, in declaring absolutely inviolable only the offices and archives of their respective consuls, thus leaving in every respect subject to the common law the houses inhabited by them.

The only exceptions to this rule are the convention in vigor with the United States of America and that with Belgium, which clearly admit the exemption of the consular dwellings also.

The existence of these two exceptions is sufficient, practically, to make it impossible to apply the general rule, because, in virtue of the clause contained in all the other consular conventions relating to the treatment accorded to the most favored nation, the consuls of the other states also have naturally the right to invoke for their own benefit the special exemption enjoyed in this country by the dwelling-houses of the consuls of the United States and of Belgium.

It is not necessary for me to use words to explain to you how such a state of things is in little harmony with the modern principles of international law, which principles have to take into consideration the progress of civilization and of the greatly extended guarantees sanctioned by modern laws for the protection of individual liberty and of the inviolability of domicile, and have then to leave open the way for the common law, reserving the privilege of exemption only to the dwellings of diplomatic agents, the true representatives of foreign sovereignty.

On the other hand, once that the principle is admitted of consular officers being liable to summons before the tribunals of the kingdom, to there answer for responsibilities contracted by them, and, to a certain point, also for offenses charged against them, it does not seem logical that to them should be granted, by means of this exemption, the way of evading for themselves and their effects the execution of the sentence.

The inconveniences and the difficulties that may arise from the practice of such a system have been especially shown in certain cases which have happened recently, which concerned your legation, and which, being still fresh in your memory, it would be superfluous to recall here.

It is desired now to find a remedy for this condition of things, and no other means of doing so has presented itself to the Government of the King except by the denunciation of the two conventions in which the immunity of the consular dwellings is stipulated.

As regards the convention with Belgium, it was denounced in February of this year, and will, therefore, cease to have effect next February.

It remains now to denounce that with the United States, which, having a duration of ten years, computed from the 17th day of September, 1868, on which day the ratifications were exchanged, would expire, except in the case of tacit renewal, on the 17th of September of next year.

To this end I hasten to signify, as I by this present do signify to you, Mr. Chargé d'Affaires, as the actual representative of the Government of the United States at Rome, the formal intention of the Government of the King to terminate on the 17th of September, 1878, the effects of the consular convention concluded at Washington on the 8th of February, 1868, and that in conformity with article 17 of the same convention.

In notifying you of this determination, I beg to add that the Government of the King is not only disposed but greatly desires to conclude, as soon as possible, with the Government of the United States a new convention upon the same subject, to go into operation upon the termination of the former, or even before, if thought advisable.

I feel confident that the new stipulation will not give rise to difficulty, as we are disposed to reproduce in general the tenor of the existing convention, except the words *and dwellings* of article 6, which are naturally to be suppressed, and whatever other special point which, as perhaps shown by past experience, might be benefited by being better regulated or more clearly defined.

I beg you, sir, to have the goodness to acknowledge the receipt of this communication, and I take pleasure in confirming to you, Mr. Chargé d'Affaires, the assurance of my most distinguished consideration.

MELEGARI.

No. 284.

*Mr. Marsh to Mr. Evarts.*

No. 706.]

LEGATION OF THE UNITED STATES,  
*Rome, October 3, 1877. (Received October 23.)*

SIR: In obedience to your instruction No. 591, of September 12, I have had an interview with the minister of foreign affairs, in regard to the case of Largomarsino, an American naturalized citizen who is required to serve in the Italian army in compliance with the laws of Italy. Mr. Melegari was not familiar with the case, though Mr. Wurts had found the secretary-general and other officers of the ministry already fully informed as to the facts, and altogether indisposed to grant any relief to the applicant. I stated the facts as fully as I could to Mr. Melegari and asked that in a friendly spirit of indulgence in what must be admitted to be a very hard case, and of comity to the United States, he would take measures for the release of the conscript. Mr. Melegari would make no concession as to the construction and effect of the international and local laws on the subject, and observed that all the authorities of the country, from the highest to the lowest, were strongly opposed to any relaxation of the provisions of the laws regulating the military service. Similar questions, he said, were frequently occurring between Italy and other countries where conscription was not practiced, but that his government had found a strict adherence to their own laws indispensable. I appealed to such considerations as I thought likely to influence the minister, including those suggested by you, and dwelt on the special features of the case, and the peculiar character of the institutions of the United States, a country with a very mixed population, the interests and rights of all classes of which claimed equal protection from our government.

Mr. Melegari did not appear to me to be personally disinclined to consent to the release of Largomarsino, as an act of comity toward a friendly nation, but he promised nothing beyond a careful examination and consideration of the case. I suppose the question will be referred to the ministry of war for decision, and I think this ministry less likely to be favorably disposed than that of foreign affairs, but I do not despair of success in our application.

I have, &amp;c.,

GEORGE P. MARSH.

No. 285.

*Mr. Evarts to Mr. Marsh.*

No. 596.]

DEPARTMENT OF STATE,  
*Washington, October 24, 1877.*

SIR: Your dispatch No. 705, of the 2d instant, has been received. It related to complaints of American citizens in Italy to the billeting of soldiers on them.

In reply I have to state that while the billeting of troops upon civilians, in time of peace, which is the present condition of Italy, is believed to be very unusual, the treaty between the United States and Italy does not appear to contain any express exemption against that proceeding. You will please advise the department, however, whether the practice is authorized by law, and whether it is carried into effect with impartiality.

I am, &amp;c.,

WM. M. EVARTS.

No. 286.

*Mr. Marsh to Mr. Evarts.*

No. 712.]

LEGATION OF THE UNITED STATES,  
*Rome, November 1, 1877. (Received November 26.)*

SIR: The marriage of American citizens with each other and with Italians and other foreigners is becoming every year more and more frequent in Italy, and I am often applied to for information respecting the legal requisites for such marriages and their effects as to rights of property and inheritance. Large pecuniary interests are sometimes involved in these cases, and complicated and difficult questions of law growing out of them are not unfrequently propounded to the legation for solution. The American party to a marriage contracted here is usually a woman, and, if consulted, I always advise that before the marriage such steps be taken for the security of the wife's American property as are sanctioned by the laws of the State to which she belongs; that the marriage itself be performed in strict compliance with the provisions of the Italian civil code on that subject; and, for further security, that a consular officer of the United States be invited to be present at the ceremony and certify accordingly.

It is always difficult, and sometimes impossible, to follow either branch of this advice, and the parties not unfrequently choose to run the risk of the illegality of the marriage rather than attempt to conform to the provisions of the *codice civile*, and they content themselves with a marriage ceremony performed by an American or other clergyman in the presence of a consular officer of the United States. In many cases, I suppose, such marriages, followed by cohabitation, would be held valid by the legal tribunals of American States, but it is quite uncertain how far any of them would be recognized as legal by courts in Italy.

I have been told, indeed, by eminent Italian jurists that any marriage regarded as valid by the laws of the party's country would be considered as valid here, so far as the rights and liabilities of such party were concerned. But this is merely a professional opinion, not founded, so far as I know; on legal enactment or judicial decision, and, besides, it by no means covers the whole ground. It seems desirable that a remedy be provided for these difficulties, but whether that is possible otherwise than by treaty stipulation between the two governments it is not for me to say.

If the United States statute providing for marriages contracted abroad in the presence of a consular officer of the United States (Revised Statutes, section 4082) is to be construed as giving validity to marriages so contracted, without other ceremony or sanction than the declaration of the parties before the consul, *per verba de presenti*, that they take each other as man and wife respectively—as until recently the law was generally understood among American citizens abroad—the consul being supposed to perform the same functions as a justice of the peace in marrying by the laws of many of the States of the Union; and if, besides, Congress had the constitutional power to pass this statute, Federal legislation could hardly go further, so far as the personal rights and duties of the parties and their rights of property within the United States are concerned. But the Department of State appears to have considered the statute as defectively worded, in not providing, in express terms, for what was thought to be implied, namely, some sort of a ceremony or *formal* celebration beyond the mere words of consent and mu-



tual acceptance by the parties in the official presence of a consular officer, and it supplemented this defect by prescribing a form of consular certificate (Consular Regulations, pp. 416, Form 87), which supposes a ceremonial celebration performed by some legally-authorized functionary, lay or ecclesiastical, of the country where the marriage takes place. The same construction is still more distinctly given to the statute in paragraph 278 of the Consular Regulations, p. 67.

As a matter of taste and from religious feeling a clergyman is usually invited to perform the ceremony when American Protestants are married before a consul in Italy, but the local civil authorities alone are authorized by Italian law to celebrate marriages, and that only when all the requisites of the civil code have been fulfilled. Of course the cases are rare when a consul can truly certify that the ceremony was performed by a person authorized by the laws of Italy to celebrate it.

This subject was a good deal discussed between the Department of State and several American consulates in the years 1874 and 1875, but I have thought, in view of its growing importance, it well to bring it again to the notice of the Department, supposing that it may perhaps be thought expedient to attempt the introduction of some stipulations respecting international marriages into the new treaty which must ere long be negotiated between the United States and Italy. Of course, any proposal of this sort would be strenuously resisted by the influence of the Roman Catholic clergy, who claim marriages as a subject over which they alone have jurisdiction, but I think it not probable that this influence would prove strong enough to defeat the measure.

I have, &c.,

GEORGE P. MARSH.

---

No. 287.

*Mr. Marsh to Mr. Evarts.*

No. 722.]

LEGATION OF THE UNITED STATES,  
*Rome, December 29, 1877. (Received January 17.)*

SIR: Mr. Depretis has formed a new cabinet, the members of which are all taken from the administration party, and are as follows:

Agostino Depretis, president of the council and minister of foreign affairs.

Francesco Crispi (now president of the chamber of deputies), minister of the interior.

Pasquale S. Mancini, minister of peace and justice and public worship.

Michele Coppino, minister of public instruction.

Luigi Mezzacapo, minister of war.

Benedetto Brin, minister of the marine.

Agostino Magliani, minister of finance.

Francesco Paolo Perez, minister of public works.

Angelo Bargoni, minister of the treasury.

The ministry of agriculture, industry, and commerce, which has heretofore formed a part of the cabinet, is suppressed, and the ministry of the treasury is newly created. With the exception of the last three above named, all these gentlemen were members of the late cabinet, and

they have all been conspicuous in Italian politics. Mr. Bargoni was a member of the ministry several years ago. Mr. Magliani and Mr. Perez are now for the first time called into the cabinet.

So far as can be judged at present, the ministry is not accepted with general satisfaction by the Italian public, and its strength will be exposed to a very severe test in the discussion on the question of the working of the state railways under the late convention for the purchase of those of Northern Italy by the government. The point, briefly stated, is, shall those railways be administered by officials and agents of the central government, or shall they be leased to and worked by corporate associations of a more or less local character, and of course with more special reference to local interests? The question excites much feeling, and the final defeat of the ministry in parliamentary action upon it is confidently predicted.

I will send, as soon as the translation can be prepared, copies of the royal decrees for the organization of the ministries and the definition of their respective jurisdictions.

I have, &c.,

GEORGE P. MARSH.

No. 288.

*Mr. Marsh to Mr. Erarts.*

No. 726.]

LEGATION OF THE UNITED STATES,  
*Rome, January 9, 1878. (Received January 28.)*

SIR: His Majesty Vittorio Emanuele Secondo, King of Italy, died to-day at the royal palace of the Quirinal at half past two o'clock, in the fifty-eighth year of his age, having been born March 14, 1820. He succeeded to the throne of the Sardinian States on the abdication of his father, Carlo Alberto, on the 23d of March, 1849, and by the law of the Sardinian Parliament of 17th of March, 1861, assumed the title of King of Italy, several of the smaller Italian states having in the mean time been annexed to the Kingdom of Sardinia. The war of 1866 between Austria, on the one part, and Italy and Prussia on the other, resulted in the cession of the Venetian provinces to the new kingdom, and Italy was finally united under one crown by the occupation of Rome and the States of the Church by the army of Italy on the 20th of September, 1870, followed by a popular vote of annexation. The Italian Parliament in the course of that year passed an act declaring Rome the national capital, and the King made his solemn entry into that city on the 1st of July, 1871.

The King, who was of a robust constitution and of active habits, spent, according to his usual custom, a considerable part of the last summer in the chase in the Alps, and, as he told me at my last audience on the 31st of December, 1877, ascended to a greater height and encountered severer weather than on former occasions. He then seemed in about his ordinary health, but I found him less cheerful than usual. On Friday, the 4th instant, he drove out on the Pincio, but became unwell on Saturday morning with pleuritic and malarial symptoms, and sunk rapidly until this morning. The last offices of his church were then administered to him, after which he revived for a short time, but finally ceased to breathe at the hour above named.

For the last forty-eight hours a fatal termination of His Majesty's illness has been anticipated, and this was of course known throughout the kingdom. The sudden removal of a sovereign whose reign embraced the entire political history of his kingdom, and who had personally done so much to promote the realization of the national hope of centuries in the constitution of a united Italy, cannot fail to produce a profound impression on the mind of the people, which, I trust, will be found to strengthen rather than weaken the ties which now bind so closely together political communities long, unhappily, put asunder.

I have, &c.,

GEORGE P. MARSH.

No. 289.

*Mr. Marsh to Mr. Evarts.*

No. 727.]

LEGATION OF THE UNITED STATES,  
*Rome, January 10, 1878. (Received February 6.)*

SIR: The Crown Prince of Italy assumes the title of Umberto I, King of Italy, being the first king, though not the first duke, of that name in the House of Savoy.

I inclose herewith a copy and translation of a note from M. Depretis, minister of foreign affairs, announcing the death of King Victor Emanuel and the accession of his successor.

The ministry, for the present, at least, remains in office under the new sovereign.

King Umberto I was born on the 14th of March, 1844, and baptized by the names of Umberto Reniero Carlo Emanuele Giovanni Maria Ferdinando Eugenio, and on the 22d of April, 1868, was married to his cousin, Maria Margherita Teresa Giovanni, daughter of Ferdinand, Duke of Genoa, brother of the late King Victor Emanuel.

The royal pair has issue, a son, named Victor Emanuel Marie Gennaro, born the 18th of November, 1869, who has the title of Prince of Naples.

I have, &c.,

GEORGE P. MARSH.

[Inclosure in No. 727.—Translation.]

*Ministry of Foreign Affairs to Mr. Marsh.*

ROME, *January 10, 1878.*

M. MINISTER: His Majesty King Victor Emanuel ceased to live yesterday, January 9, at 2.30 p. m.

By virtue of the constitution of the Kingdom, His Royal Highness Prince Humbert succeeds to his illustrious father.

In announcing, by order of His Majesty King Humbert I, this double event, of which I beg you, Mr. Minister, to give information to your government, I avail myself of this occasion to renew to you the assurance of my most distinguished consideration.

DEPRETIS.

Mr. G. PERKINS MARSH,  
*Minister of the United States, Rome.*

No. 290.

*Mr. Marsh to Mr. Evarts.*

No. 730.]

LEGATION OF THE UNITED STATES,  
*Rome, January 20, 1878. (Received February 8.)*

SIR: The funeral of King Victor Emanuel was celebrated with great pomp on Thursday, the 19th instant, and attended with manifestations of sympathy and regret both on the part of his own people and of foreign nations, the like of which have certainly not been seen in Italy since the death of Germanicus, in the time of the Emperor Tiberius.

Within the ten days following the death of the King the railways brought to the city not less than 300,000 persons to visit the Chapelle Ardente, in which the remains of his late Majesty lay in state for several days, to attend the obsequies, and to witness the imposing ceremony of the administering to the new King, Humbert I, the oath of fidelity to the constitution.

Great numbers also arrived in town by other conveyances, and during this whole period the city has been crowded and the streets encumbered to a degree not witnessed before within the memory of man. It is much to the credit of the Italian people and to the Roman municipal authorities that so vast a multitude should have been collected and again dispersed without any riot or other disturbance of the public peace, and it is not known that the movements of the railways, of the funeral procession, or of the military were attended with any serious accident to life or limb.

The foreign representation, both official and voluntary, was very large and comprised persons of every rank, from hereditary princes to private citizens, and the expressions of condolence from the highest sources in Europe have been very numerous. To these have been added many addresses conveying like sentiments from the foreign residents, including the citizens of the United States at Rome, and scarcely a voice of dissent has been heard from any quarter.

The remains of King Victor Emanuel were deposited in the Pantheon, a structure of the time of Augustus Cæsar, and with the intention of making that building the permanent mausoleum of the royal family of Italy, for which purpose it is well suited by its circular form, its domical roof supported by pillars or arches, and of dimensions and proportions which render it one of the most imposing inclosed spaces found in ancient or modern architecture. The site of the Pantheon, however, is so low as to expose its approaches to inundations, and there are other inconveniences in its location. It is now suggested that the church of Santa Maria degli Angeli, originally constructed as an appendage to the Baths of Diocletian, and converted into a church by Michael Angelo, is better adapted to the purpose in question, and this opinion may perhaps in time prevail.

This being the first occasion of a transfer of the crown since the formation of the kingdom, various questions of form and some of substance respecting the action of parliament on the occasion have been suggested, but they have excited little discussion and no delay in the proceedings, and the organization of the new reign may now be considered complete.

I have, &amp;c.,

GEORGE P. MARSH.

No. 291.

*Mr. Marsh to Mr. Evarts.*

No. 736.]

LEGATION OF THE UNITED STATES,  
*Rome, February 8, 1878. (Received February 25.)*

SIR: Pope Pius IX died last evening at half past six o'clock, at the age of 85 years, 8 months, and 25 days, and in the thirty-second year of his Pontificate, to which office he was elected June 16, 1846.

Thus far the death of the Pope has produced no popular or other public excitement, partly, no doubt, because the event had been long expected, but much more because of the very general impression that, whatever the feelings of individuals toward the Papacy may be, the institution has lost its regal position, and the Roman See, and the life or death of its incumbent, have, strictly speaking, no longer any direct political significance. The moral influence of the Papacy, however, is as formidable as ever, and it can and does thus powerfully affect political action; but its power is exerted not by the chair of St. Peter, but by organizations which surround and control it to such an extent as to render the personal will or character of the Pope a matter of little importance.

Attempts will be made to bring about a reconciliation between the tiara and the crown of Italy; but King Umberto will, I trust, be found as firm in his adhesion to the principle of the supremacy of the civil government as his father showed himself, and there is nothing to encourage the expectation that the successor of Pius IX will be permitted to propose or accept any *modus vivendi* incompatible with the civil liberties of the Italian people, or with the rights of private conscience and opinion.

I have, &amp;c.,

GEORGE P. MARSH.

No. 292.

*Mr. Marsh to Mr. Evarts.*

No. 741.]

LEGATION OF THE UNITED STATES,  
*Rome, February 20, 1878. (Received March 11.)*

SIR: Out of the sixty-four ecclesiastics who at present compose the college of cardinals, fifty-eight met in conclave at the Vatican on the evening of Monday, the 18th instant; and to-day at half past one p. m. it was announced by proclamation from the grand balcony over the central door of St. Peter's that a large majority of the college (forty-five, it is said) had agreed to elect Cardinal Gioacchino Pecci, chamberlain of the Papal court, as successor to Pius IX.

The proclamation was made by a cardinal in the established formula: "Annuntio vobis gaudium magnum; habemus Papam Eminentissimum et Reverendissimum Dominum Yoachim Pecci qui sibi nomen imposuit Leo XIII."

The chamberlain of the curia has been generally understood not to be in the line of preferment, and the reputation of Cardinal Pecci for moderation was thought to form a still stronger objection to his choice by the college, but great efforts had been made by the Catholic governments of Europe, strengthened by a powerful public opinion among

political men, to induce the cardinals to agree in the selection of a man of the temper which is ascribed to Cardinal Pecci. The *Osservatore Romano*, the leading clerical journal at Rome, had predicted that the new Pope would take the name of Pius X and thus indicate his purpose of following out the ecclesiastical policy of his predecessor. Some importance is attached to his assumption of the name of Leo, as an expression of his views of the proper character of the head of the Papal Church. Leo XII, who reigned from 1823 to 1829, was very firm in maintaining the privileges and prerogatives of the Papacy, but neither encouraged fanaticism in the lower clergy or the faithful, nor favored the pretensions of the order of Jesuits. Certain minor arrangements of Cardinal Pecci, during his *regency* as chamberlain after the death of the late Pope, are construed by many as indicative of comparatively liberal intentions, and particularly of the purpose of abandoning the farce of a pretended restriction of the liberty of the Pope by the Italian Government, which was kept up by Pius IX from the entry of the royal troops into Rome on the 20th of September, 1870, to the day of his death.

I do not attach much consequence to any of these demonstrations, nor shall I to any initial professions of liberalism which may be made on behalf of the new Pontiff, who will feel as little bound by such professions as did Pius IX by those which accompanied the commencement of his reign, and who in the long run must shape the policy of the Papacy by the rule, "*Sit ut est aut non sit.*"

In the previous history of Cardinal Pecci there is nothing to justify the expectations of a conciliatory course of action on his part which have been so generally expressed since, by the death of Pius IX, he became a conspicuous candidate for the throne. He is said to have shown, in the suppression of brigandage in the southern provinces of the States of the Church, a severity, firmness, and energy quite unexampled in the treatment of brigands in the recent history of the Papacy, and on the other hand he appears to have been equally unyielding in sustaining the brutal and sanguinary action of General Kansler and the Papal troops in putting down the liberal movement at Perugia in 1859, and in general hostility to the national aspirations of the Italian people.

The tone of European journalism in regard to the importance of this election may seem to conflict with the views exposed by me in my dispatch No. 736, dated February 8, 1878.

I have, &c.,

GEO. P. MARSH.

---

No. 293.

*Mr. Marsh to Mr. Evarts.*

No. 746.]

LEGATION OF THE UNITED STATES,  
Rome, March 24, 1878. (Received April 8.)

SIR: The second session of the present Italian Parliament was opened on the 7th instant by the King in person, attended by the Queen, the royal family, and the court. His Majesty read a speech, of which I inclose herewith two copies.

In the organization of the Chamber of Deputies, Benedetto Cairoli,

long conspicuous as a strenuous champion of Italian independence and liberty, both in the field and in the national councils, was elected president by a large majority. Although a leading member of the left, the party which raised the administration to power, Signor Cairoli was not the candidate of the ministry, to which he was opposed on various important questions of public policy. The ministers, therefore, considered his election as a parliamentary defeat, and the next morning offered their resignations, which were accepted by the King, and Signor Cairoli was charged with the formation of a new cabinet. His success has been expected from day to day, but was not definitely announced until this morning. The ministry is composed as follows:

Benedetto Cairoli, deputy in Parliament, president of the council of ministers, without portfolio.

Giuseppe Zambardelli, deputy, minister of the interior.

Count Luigi Corti, formerly Italian minister at Washington, minister of foreign affairs.

Raphael Cenforti, senator of the kingdom, minister of grace and justice.

Frederick Seismit Doda, deputy, minister of finance.

Giovanni Bruzzo, lieutenant-general, minister of war.

Enrico di Brochetti, vice-admiral, minister of marine.

Francis di Sanctis, deputy, minister of public instruction.

Alfred Baccarini, deputy, minister of public works.

The question of the legality of the decree for the suppression of the minister of agriculture, industry, and commerce, and for the creation of a ministry of the treasury, will be raised early in the session, and it appears to be thought that the decree will not be maintained by Parliament, in which case the ministry of agriculture will be reconstituted.

Mr. Cairoli, though in the opposition during several of the late ministries, enjoys the confidence of all parties as an upright and conscientious man, and though he had many difficulties to overcome in forming a cabinet, I do not think that a factious spirit in any quarter constituted one of the obstructions which delayed his success. The new ministry is by no means a unit in its party sympathies, and it is at present quite impossible to predict how far it will be able to agree upon a harmonious policy, or how far it can command a parliamentary majority in support of the measures it shall recommend.

A dissolution of the chamber of deputies and a new election are certainly within the range of probabilities, but it is premature to speculate on the result of a new election which, unless in case of some sudden change in the foreign relations of Italy, will be controlled rather by local and personal considerations than by political views of a wider scope.

I have, &c.,

GEORGE P. MARSH.

---

[Inclosure in No. 746.—Translation.]

*Speech of His Majesty the King, at the opening of the Chambers, March 7, 1878.*

GENTLEMEN SENATORS, GENTLEMEN DEPUTIES: Next to the unexpected death of my august father, to whom history has already awarded the title of father of his country, nothing has caused me deeper regret than my inability to avail myself directly of the counsels of my country's representatives. Now, however, that I have an opportunity once again to open my heart to you, I feel the confidence again rising and growing strong within me that we, being all inspired by the same idea, shall be able constantly to solidify and render more fruitful the great work to which the glorious founder of the kingdom devoted his life.

The spontaneous accord of the affectionate sentiments, of which a manifestation of so solemn a kind was called forth by the very misfortune which visited us, proves to us that Italian unity is fixed upon a foundation that cannot be shaken, and that we may henceforth devote all our efforts to the study of the reforms which our people await with patient confidence. This people, which, for so many years, has been called to submit to exceptionable sacrifices, has understood that it was necessary above all to secure the creation of a country free, strong, and the mistress of its own destinies.

The reforms which, in the midst of the necessities of a growing country, have not had time to be developed, formed the constant preoccupation of the first King of Italy, during the last and too short period of his existence. I have religiously accepted the legacy of this laborious task, and I now appeal to you for your enlightened co-operation in the performance of the duties which Providence and the will of the nation have imposed upon me.

The chambers commenced, during the two foregoing sessions, an examination of the most important reforms. This preparatory work, I trust, will not be fruitless.

During the recess of Parliament, which was lengthened by a coincidence of extraordinary events, my government submitted to a re-examination several bills which I desire to recommend to your attention.

First in the order of importance is the reformation of the electoral law; in which reformation my august predecessor took the initiative and which he advised as being the crowning triumph of our political institutions. This bill which, I do not doubt, you will carefully examine and sanction by your votes, will secure a more complete and more sincere co-operation of the popular will in the life of the state.

Other important bills will be presented to you, with a view to protecting ministerial responsibility by an efficacious sanction, to securing the autonomy of the communes and provinces, and to introducing reliable rules, and such as are destined to guarantee personal liberty, into the laws which protect public order.

With the design of simplifying the working of the executive departments, certain plans will be submitted to you, the object of which will be, without impairing the efficient control of the public funds, to extend these same guarantees to all the departments, and to render the administration of the government more prompt and vigorous.

Parliament and the country have urged, with an insistence which was quite proper, the rectification of the laws designed to secure a just assessment of taxes. This is a subject which requires attentive, impartial, and patient examination. The condition of the treasury, which is now improved, thanks to the courageous zeal of the law-makers, and the patriotic devotion of the tax-payers, renders it possible resolutely to undertake the transformation of the system of taxation, with a view to lightening the burdens of the poorer classes, and to making amends therefor, so far as possible, by means of a less costly administration of the government, and by an assessment of taxes more in conformity with social equity.

I am happy to announce to you that my government will at once submit to your examination bills designed to bring about a reduction of the price of salt and of the tax upon the grinding of grain. Bills will also be submitted to you, the object of which will be to secure a larger income from the other taxes which bear less heavily upon the necessities of life.

These will be the preliminary steps in a reform which will be completed by an equalization of the tax on real estate, and by a re-assessment of the taxes on articles of consumption.

This will pave the way to a permanent improvement of our municipal finances, which are now in such a straitened condition.

We shall realize, from our new tariff and our commercial treaties, considerable resources for the treasury, and still greater advantages for our national industries. I urge you to examine, as speedily as possible, the treaty which has been concluded with a view to settling our exchanges with France on an equitable basis, inasmuch as these exchanges are of the utmost importance to our commerce. Numerous interests which are worthy of consideration demand the speedy enforcement of this treaty.

The bills concerning parish property and forced circulation will again be submitted to your examination. A bill regarding banks with a circulation will likewise form the subject of your consideration.

Bills for the reduction of the rates of postage, for the improvement of the telegraphic service, and for the development of means of communication of all kinds, will aid in accelerating the work of improving our financial condition.

The administration of justice, that first need of all periods, and popular education, the main hope of the future, demand your attention; together with the reforms tending to ameliorate and render secure the situation of judges, to regulate the organization of the chief magistrates of the kingdom, to solve the difficult problem of church property, the commercial code, and the penal code, will again be submitted to you. It is urgent to accomplish at last, by this latter, a work of necessary unification, which is required by the national unity.

Parliament, by ratifying the principle of compulsory education, which it did last



session, rendered it obligatory upon the government to provide for the enforcement of this principle. After urging the rising generation to attend school, we must see that their educators are worthy of the name which they bear. The bill will again be laid before you for the creation of a fund for the benefit of elementary educational institutions. The bills designed to give greater efficiency to scientific, literary, and professional instruction, to protect monuments of art and history, and to reform the superior board of education, have no need of any recommendation. Knowledge is power. Italy, even during her greatest misfortunes, never gave up the noble consolations of science and art. Being now free to follow her own aspirations, she will seek her true greatness and her true strength in the same pursuits which have been for her, during so many centuries, the indomitable manifestation of her vitality and unity.

The experience of the late war has forced all countries to remodel their military systems. With your usual zeal for the honor of our flag, you will surely favorably receive the propositions which will be presented to you, to the end that, within the limits of our financial resources, the arms and other means which military science is improving more and more every day, may not be wanting to our army and navy.

My government has examined, as was required by law, and it has prepared arrangements the object of which is to intrust the management of the railways to private enterprise. I commend to Parliament the examination of this bill which is of the highest importance.

The task of revising and correcting the general organization of the state has become incumbent upon us at the very time when the events that are occurring near us in the East are attracting general attention. While maintaining in the midst of these vicissitudes the most cordial and friendly relations with all the powers, we have religiously respected existing treaties, and have observed a trustful neutrality free from all suspicious precautions. Being desirous to secure lasting peace to Europe, we have, without hesitation, consented to take part in a meeting of the powers. Our candid impartiality will add to the efficiency of our counsels, and the examples of our recent history will furnish us with arguments in behalf of such solutions as may be most in accordance with justice and the demands of human rights.

Such is our faith. It secures to us the most valuable of all alliances, the alliance of the future. This faith is now being brilliantly confirmed by the events which are taking place before our eyes. The logic of justice and truth has already produced its beneficial effects.

In the midst of circumstances so extraordinary for ourselves we have beheld the occurrence of an event that was awaited as being pregnant with difficulties. The Pontiff who had been at the head of the church for thirty-two years has gone to his grave, lamented and venerated. The traditional rites according to which his successor was chosen, have been freely observed, without the slightest disturbance to the tranquillity of the state, the conscience of the people, or to the independence of the spiritual ministry.

By maintaining our institutions, and by constantly uniting a respect for religious beliefs with the maintenance of the rights of the state and the great principles of civilization, we have shown, and shall continue to show to the world how fruitful of benefits is liberty.

Gentlemen Senators, Gentlemen Deputies, vast and multifarious subjects are before you. Time, however, will not be wanting if the spirit of harmony shall facilitate your labors. Our country is expecting the fulfillment of your promises made long since. Having again become free and united, after so many centuries, it expects that wisdom will preserve and increase the blessings of its good fortune for it.

I feel full confidence that in our hands Italy will continue to occupy the high position in which she has been placed by the noble perseverance of her first King and the virtue of her people.

---

No. 294.

*Mr. Marsh to Mr. Evarts.*

No. 774.]

LEGATION OF THE UNITED STATES,  
Rome, June 24, 1878. (Received July 13.)

SIR: I have the honor to inclose herewith a copy and translation of a note from his excellency Benedetto Cairoli, president of the council of ministers, acting as minister of foreign affairs in the absence of Count Corti, incumbent of that ministry, now in attendance on the congress of Berlin, by which the acceptance of the proposal of the Government of

the United States for an international monetary conference is expressed, and information is asked as to the place and time appointed for the meeting of the conference.

I have, &c.,

GEORGE. P. MARSH.

[Inclosure in No. 774.—Translation.]

*Mr. Cairoli to Mr. Marsh.*

ROME, June 22, 1878.

MR. MINISTER: By a note of the 6th of April last, your excellency, in the name of the President of the United States, invited His Majesty's Government to take part in a conference, with the object of establishing a fixed common ratio between gold and silver as coin or money of exchange.

The proposal of President Hayes has been the subject of a careful examination, and I have now the honor to inform you that His Majesty's Government is disposed to accept the invitation of the cabinet of Washington; and in requesting you to inform your government of this decision, I at the same time express the hope that you will be pleased to communicate to me the conclusion that shall be adopted respecting the place and time of the meeting of the conference.

Accept, Mr. Minister, the assurance of my high consideration.

CAIROLI.

MR. GEORGE P. MARSH,  
*Minister of the United States, Rome.*

No. 295.

*Mr. Marsh to Mr. Evarts.*

No. 777.]

LEGATION OF THE UNITED STATES,  
*Rome, July 23, 1878. (Received August 14.)*

SIR: Count Corti has not returned to the capital since the conclusion of the congress of Berlin. He is in attendance upon the King and Queen, who are making a tour through Northern Italy, and it is rumored that the expression of popular dissatisfaction with his course at the congress, in omitting to demand for Italy an extension of territory corresponding to that acquired by Austria through the action of the congress, has induced him to offer his resignation. I have little reason to believe this rumor to be well founded, nor did I infer from the language of Mr. Cairoli, with whom I had an interview at the foreign office yesterday, that he expected the minister of foreign affairs to take this step. Count Corti's action at the congress is not only approved by the ministry, but was in conformity with his instructions and with the settled policy of the present administration. Indeed it is certain that any movement on the part of the Italian plenipotentiaries at Berlin, looking to a claim of additional territory as a set-off to the occupation of Bosnia by Austria, would have met with no support from the congress, but would have been resented by Austria in a manner that would infallibly have led to grave results, if not to immediate hostilities between that country and Italy.

It is true that there has been a certain amount of popular agitation on this subject, but the public excitement in reference to it has been greatly misrepresented in character and exaggerated in amount by the European press. There are doubtless individuals who look to the ultimate possession of the eastern shores of the Adriatic by the kingdom of Italy as a desirable and probable event, but few persons of intelligence

believe that this can be accomplished within any calculable period, or that in the present social condition of those provinces and of Italy their acquisition would be other than a burden and a calamity to the latter. In fact, until the administration of criminal justice in Italy is so far reformed and assimilated to that of the other countries of civilized Europe as to afford a reasonable measure of security of life and property to her present population, the addition of hundreds of thousands of violent, sanguinary, and ungovernable semi-barbarians to her citizens would much aggravate the deplorable evils under which the central and southern provinces especially, and in a somewhat smaller degree all Italy, now suffer from the lawlessness of a large class of their people.

I do not think, then, that a desire for the possession of Albania or of any Turkish territory can fairly be treated as an element in the present political dissatisfaction of the Italians with the results of the congress, nor is that dissatisfaction by any means so deep or so pervading as it is represented by the British and French press. The meetings in behalf of what is called *L'Italia irredenta* have not been largely attended, and but few politically influential persons have taken part in them. Their apparent numbers have been swelled by curious spectators, by international agitators, and at Rome by adherents, if not emissaries, of the Vatican, in fact, by malcontents of every shade, and they furnish no evidence of the existence of such a public sentiment as has been hastily assumed abroad.

There is, however, a strong and general feeling that the northeastern limits of the kingdom of Italy ought to be extended so as to embrace all the territory geographically or ethnologically belonging to it, and though the agitation of the question at present is inopportune, the claim will not be abandoned or cease to be a frequent source of agitation until the aspirations of Italy are at least partially satisfied. To determine precisely the line between the two countries which the configuration of surface, the nationality of the populations, and the material interests of both would indicate as the proper boundary is by no means an easy matter, nor is there any certainty as to the wishes of the majority of the inhabitants along the frontier on this point. There is indeed no doubt that what is somewhat vaguely called the *Trentino*, embracing the territory drained by affluents of the Lago di Garda and by the Adige, is geographically, ethnologically, and historically as thoroughly Italian as any portion of the basin of the Po, and that its possession is essential to the reasonable military security of the kingdom. This entire district was upon the point of falling into the hands of the Italian troops in 1866, and but for the equivocal friendship and ill-timed intervention of Napoleon III would doubtless have been permanently secured to Italy by the peace with Austria.

The claim to Trieste and Istria rests on very different grounds. Trieste and its dependencies have been for five centuries Austrian possessions. They indeed formed a part of the Roman Empire, yet it may fairly be urged that since the breaking up of that empire they have never in any sense formed a part of Italy, though a portion of Istria belonged to Venice at a period when Venice herself was rather an Oriental than an Italian state. The indigenous population of those provinces is Slavic, and though their commercial towns are to a considerable extent Italian in language and aspect, yet the mass of the citizens is not Italianized, nor is there satisfactory evidence that a majority of them desire a change of sovereignty. Austria might not improbably have been induced to surrender the Trentino to Italy if the question had not been embarrassed by what she considers an unfounded and vexatious claim; but it must be long before she will listen to proposals for a cession of her important

maritime possessions on the Adriatic, and the subject can never be approached without exciting great irritation in the Austrian people and its rulers.

It is very fortunate for the peace of this country and of Europe that at this crisis the administration of affairs in Italy is in the hands of statesmen of the *left*, and that the president of the council and others of the ministry are not only well known for their political liberalism, but for their ardent patriotism, and at the same time for an elevation of character which exempts them from all suspicion of unworthy motives or of timidity or vacillation of purpose. The great heats of summer and the threatening tokens of endemic disease had, without a formal adjournment, dispersed the Chamber of Deputies before the conclusion of the Congress, and therefore there has been no room for an authoritative expression of national opinion; but all the organs of the ministry have been decided in their disapproval of every popular movement on the subject. The cabinet could not without a departure from its avowed principles prohibit the calling of meetings to discuss political questions, but its opinions and wishes are known to be utterly opposed to any action in any quarter tending to disturb settled arrangements between Italy and conterminous states. The ministry has been censured for permitting these meetings, but I think it has acted wisely, and that these assemblies have served rather to show the weakness of the party of agitation than to fan the excitement, and I have no doubt that public opinion will sustain the government.

General Garibaldi, who has gone to great lengths in encouraging the movement, publicly warns his friends against attacks upon the ministry; and I trust that a continuance of a mild and firm course of action on the part of the government will calm all agitation and that the present able and patriotic cabinet may look forward to a long term of political power and usefulness.

I have, &c.,

GEORGE P. MARSH.

No. 296.

*Mr. Marsh to Mr. Evarts.*

No. 778.]

LEGATION OF THE UNITED STATES,  
*Rome, July 30, 1878. (Received August 19.)*

SIR: I have the honor to inclose herewith a copy and translation of a note from the ministry of foreign affairs accepting the time and place proposed by the Department of State of the United States for the meeting of the international monetary conference, and notifying the appointment of Count Carlo Rusconi and the Commander Cesare Baralis to represent Italy at the conference.

I have, &c.,

GEORGE P. MARSH.

[Inclosure in No. 778.—Translation.]

*Mr. Peiroleri to Mr. Marsh.*

ROME, July 29, 1878.

MR. MINISTER: Referring to my note of the 22d of June last and to those which your excellency was pleased to address me under date of the 3d and the 6th instant, I have the honor to inform you that His Majesty's Government accepts the 10th of August next as the time and the city of Paris as the place of the meeting of the monetary conference.

tary conference of which the cabinet of Washington has taken the initiative, and has appointed Count Carlo Rusconi, referendary of the council of state, and the Commander Cesare Baralis, director of the mint at Milan.

Begging you to communicate this information to your government, I avail myself of this occasion to renew to you, Mr. Minister, the assurance of my high consideration.

For the minister,

A. PEIROLERI

To GEORGE P. MARSH,  
*Minister of the United States of America, Rome.*

No. 297.

*Mr. Wurts to Mr. Evarts.*

No. 784.]

LEGATION OF THE UNITED STATES,  
*Rome, August 17, 1878. (Received August 30.)*

SIR: I have the honor to inclose to you herewith a copy of an unofficial communication from Mr. Huntington, vice-consul at Florence, on the subject of a new and vexatious regulation of the Italian custom-house, to be noticed as the Department deems advisable.

I am, &c.,

GEORGE W. WURTS.

[Inclosure in No. 784.]

*Mr. Huntington to Mr. Marsh.*

Private.]

CONSULATE OF THE UNITED STATES,  
*Florence, Italy, August 13, 1878.*

MY DEAR MR. MARSH: By the following extract received to-day from Leghorn concerning new custom-house regulations, it would seem as if additional obstacles were being thrown in the way of commerce from the United States, and that it might be useful to give publicity to such rules in the United States.

"I beg to advise you of a new custom-house regulation just put in force. For the future, packages containing all kinds of goods coming to Leghorn from America, England, France, Germany, and other parts of Europe have to be accompanied by a 'consular certificate of origin,' and two bills of lading, instead of one. If receivers fail to produce such certificate and two bills of lading the vessel's agent does not deliver the goods, and the custom-house impose a higher duty on same; so, should you expect something you had better inform the shippers to remit you the above document."

Do you not think it would be well for public attention to be called to this?

Very sincerely,

H. G. HUNTINGTON.

No. 298.

*Baron Blanc to Mr. Evarts.*

[Translation.]

LEGATION OF ITALY IN THE UNITED STATES,  
*Washington, January 9, 1878. (Received January 10.)*

SIR: It is with deep grief that I perform the painful duty of informing your excellency of the death of my august sovereign, King Victor Emanuel II, who died this morning at half past two o'clock.

His Royal Highness the Prince of Piedmont, heir to the throne, has been proclaimed King of Italy.

Sorrowing Italy knows that at this close of a great reign, and at the beginning of a new one which will continue its traditions, she has the sympathies of the great people among whom I have the honor to represent her.

I renew, &c.,

BLANC.

No. 299.

*Mr. Evarts to Baron Blanc.*

DEPARTMENT OF STATE,  
Washington, January 10, 1878.

SIR: I have received your note of yesterday, announcing the death of His Majesty Victor Emanuel II, and the accession to the throne of Italy of His Royal Highness the Prince of Piedmont.

You do no more than justice to the sympathies of the people of the United States in supposing that they will in common with the people of Italy deplore that mournful event.

Our grief, however, will be tempered if not assuaged by the expectation that during the reign of the new sovereign those measures of his predecessor which are believed, by contributing to Italian unity and strength, to have done so much to renew the ancient renown of that great country, will be persevered in.

I offer, &c.,

WM. M. EVARTS.

No. 300.

*Mr. Blanc to Mr. Evarts.*

[Translation.]

LEGATION OF ITALY,  
1017 Connecticut Avenue, January 18, 1878. (Received Jan. 19.)

SIR: I shall to-day have the honor to send you the invitations, of which I spoke with Mr. Seward, to the solemn service which will be held on Tuesday next, the 22d instant, at half past 10 a. m., at the church of Saint Aloysius, in memory of King Victor Emanuel; but before all, I desire to beg you to inform his excellency the President of the United States how highly the legation would feel honored by his presence at this ceremony, at which the diplomatic corps has been invited to be present in uniform, and how highly appreciated it would be as an evidence of the sympathy which united our two countries.

Be pleased to accept, &c.

BLANC.

No. 301.

*Mr. Evarts to Baron Blanc.*

DEPARTMENT OF STATE,  
Washington, January 22, 1878.

SIR: I have the honor to acknowledge the receipt of your note of the 18th instant relative to the solemn service to be held this morning at

the church of Saint Aloysius in memory of King Victor Emanuel, and requesting that the President be informed how highly the legation of Italy would feel honored by his presence at the ceremony.

I avail myself of this occasion to recur to the unfeigned sorrow of the President and the people of the United States at the occurrence of the mournful event which has rendered memorial services necessary.

Accept, &c.,

WM. M. EVARTS.

No. 302.

*Baron Blanc to Mr. Evarts.*

[Translation.]

LEGATION OF ITALY IN THE UNITED STATES,  
Washington, March 4, 1878. (Received March 6.)

SIR: I am instructed to convey, through you, the expression of the gratitude of His Majesty the King, my august sovereign, to his excellency the President of the United States, for his presence at the funeral service that was held at Washington in memory of King Victor Emanuel II.

I have also received instructions to inform you how deeply my government has been touched by the part taken in this ceremony by the cabinet, the Senate, the House of Representatives, the Supreme Court, the Army, the Navy, and other distinguished bodies.

The private testimonies have also been highly appreciated which have been rendered by the American people, on this painful occasion, to the Italian nation, and which have been shown in so lofty a form, among others, in a beautiful poem by Mr. Bayard Taylor, which has been placed in the hands of His Majesty.

These noble manifestations of sympathy with the grief that has afflicted the royal family and the Italian nation have met with an echo of gratitude and affection in Italy, and the exchange of such sentiments cannot fail to draw still closer the bonds which unite the two countries.

I should be obliged to you, Mr. Secretary of State, if you would be pleased to transmit this expression of thanks to the presiding officers of both houses of Congress, to the officers of the Army and Navy, and to the other dignitaries whom I cannot address directly.

I avail, &c.,

BLANC.

No. 303.

*Mr. Evarts to Baron Blanc.*

DEPARTMENT OF STATE,  
Washington, March 25, 1878.

SIR: I have the honor to acknowledge the receipt of your note of the 4th instant, communicating an expression of the gratitude of His Majesty, the King of Italy, to the President, for his presence at the funeral services, held in Washington, in memory of King Victor Emanuel II; also of the appreciation of the Government of Italy of the participation in

the ceremonies of representatives of different branches of the Government of the United States.

In reply I have the honor to inform you that measures have been taken with a view to complying with your request relative to the conveyance of these sentiments to the principal representatives of the government, who cannot fail to receive them with that gratification which is due to the high source from which they come.

I avail, &c.,

WM. M. EVARTS.

## JAPAN.

No. 304.

*Mr. Bingham to Mr. Evarts.*

No. 667.]

UNITED STATES LEGATION,

*Токей, Japan, November 13, 1877. (Received December 13.)*

SIR: Referring to my No. 571, of date the 23d of May last, in relation to the Satsuma rebellion, and to my informal and unofficial suggestion to this government that mercy should be extended to the insurgents in the event of the assured triumph of His Majesty's forces, I have the honor now to report that since the suppression of the rebellion, to wit, on the 10th instant, there appeared in the Japan Daily Herald a statement from the Osaka Nippo, a Japanese journal, of the action of His Majesty's court, which sat at Nagasaki under special orders to try rebel prisoners, and which court was closed and terminated its labors on the 30th ultimo.

From this statement it appears that 38,514 persons were tried by the court for complicity in the rebellion, of whom 295 were acquitted, 35,918 were pardoned, 20 were fined, 107 were deprived of rank as shisoku (samurai, or sword-bearer), 1,793 were condemned to imprisonment with hard labor for terms ranging from thirty days to ten years, and 20 were adjudged to decapitation.

The editor of the Herald, in reproducing this report, remarks that "the Emperor was pleased to notify to the judges his approbation," and adds that "it is not to be gainsaid that the imperial government, while it was resolute, as in duty bound, in putting down the rebellion, has displayed that discretion which knows how to use a victory with mercy to the vanquished. In an Asiatic government such forbearance as has here been shown to rebels succumbing to the force of arms may be regarded as unique."

It is a pleasure to note that the Herald, which so often questions the essential rights of this government and writes in disparagement of its administrative ability, finds something to approve and commend in this instance.

I have, &c.,

JNO. A. BINGHAM.

No. 305.

*Mr. Bingham to Mr. Evarts.*

No. 672.]

UNITED STATES LEGATION,

*Токей, Japan, November 15, 1877. (Received December 13.)*

SIR: It is a relief to be able to say that from all advices the Asiatic cholera has happily disappeared from Japan.

31 F R



In my No. 629, of date the 19th of September last, I acquainted you that this pestilence had appeared in Yokohama, 20 miles distant from this city. It is safe to state that about one-half of the persons attacked by the disease died, and that within the past two months eleven hundred persons died by this scourge in Nagasaki and its vicinity, an equal number in Osaka and Kioto (or Saikio), and about one thousand in Yokohama, Tokei, and vicinity. Of the loss of life from this cause in the country at large, I am not advised.

In the division of this city in which our legation is located, known as Tsukidji, there were but six deaths from cholera, which is in my opinion largely attributable to the fact that upon the first appearance of the plague in this location a board of health was organized, and its measures promptly enforced by this government, upon the request of my colleagues and myself. I regret to say that a Mr. Perry, his wife, and two children, American citizens resident here, were attacked by the disease, and that Mr. Perry and one of his children died. I solicited and obtained a place for their burial in this city. His wife and surviving child were provided for, chiefly by private contributions, and sent home to San Francisco, where their family friends reside. It would seem from the results of the efforts of the health boards of this city of a million of people, that the Asiatic cholera may be arrested by the prompt and liberal use of such disinfectants as carbolic acid, and by a careful regimen, thorough cleanliness, and the prompt removal of all impure matter from the vicinity of dwellings.

I have the honor to inclose a copy of an article on the subject from the Japan Daily Herald of this date (inclosure 1). I have no doubt the disease came from India to China and thence to Japan. I trust it may not find its way to America or Europe.

It seems to me not improper that I should again call the attention of the Department to the need of an appropriation of a few thousand dollars to be used as occasion may require, under the direction of the State Department, for the relief in case of sickness, or for the burial in case of death, of destitute citizens of the United States not in the merchant or naval service, who may in foreign lands suffer from disease or die. In my No. 212, of date the 6th of April, 1875, I brought this subject to the notice of the Department, and beg leave respectfully to refer you thereto.

I have, &c., &c.,

JNO. A BINGHAM.

---

[Inclosure in No. 672.]

#### DISAPPEARANCE OF THE CHOLERA.

[From the Japan Daily Herald, Thursday, November 15, 1877.]

The cholera reports for the last week warrant us in the belief that this epidemic has now been stamped out; its visit has lasted fully two months, and according to the Mainichi Shimibun the total number of cases in Yokohama and its vicinity up to the 12th instant were 1,128, the deaths 635, the recoveries 446, and 47 patients remain still under treatment.

Whence came this unwelcome visitation? Some are of opinion that its progress may be traced from India over the Straits Settlement to China, Amoy, and Nagasaki; others will have it that the state of the southern part of the province of Kiushiu was, toward the close of the rebellion, of such a nature as to be itself sufficient to breed a pest. Is Japan the limit of its progress, or is it now traveling eastward across the Pacific, the germs imbedded, may be, in a bale of goods, or in the contents of a passenger's trunk? It has been mentioned in a contemporary that, according to professional opinion, this visit of cholera in Japan is only a preliminary one, to be followed next year by the whole force of the enemy.

We presume to think that the causes and nature of the epidemic are as yet not sufficiently known to enable medical men to forecast its future movements with any degree of certainty. But in one respect it behooves us to act as if a repetition of the epidemic, increased too in severity, were a certainty; the pest-house must be built now, and thus be ready for an emergency that may arise at any time. It is impossible to shut our eyes to the fact that if the cholera this time had been of its wonted virulence, and had attacked resident foreigners generally, we should for some time have been in the direst confusion and perplexity where to receive and properly treat the patients. But whether cholera returns upon us next summer or not, the appearance of small-pox during the winter months impending may be looked for, and there is now no small-pox hospital for the reception of patients. The community will neglect taking precautions for its own safety if it omits making provision for a pest-house or hospital for the treatment of cases of epidemic disease of a virulent and dreaded character. We trust to the members of the board of health, now that the cholera has abated, bestirring themselves in this matter.

---

No. 306.

*Mr. Bingham to Mr. Erarts.*

No. 679.]

UNITED STATES LEGATION,

*Tokai, Japan, December 1, 1877. (Received January 10, 1878.)*

SIR: On yesterday, the 30th ultimo, I had the honor to present to His Majesty the Emperor of Japan Rear-Admiral T. H. Patterson, United States Navy, commanding the United States naval force on the Asiatic station, and also his suite of eleven officers of the United States Navy, viz, Capt. J. Young, chief of staff; Commander R. Boyd, commanding United States steamer Alert; Fleet Engineer C. H. Loring, Fleet Surgeon D. Kindleberger, Fleet Paymaster D. A. Smith, Lieut. R. Wainwright, principal aid; Lieut. R. G. Davenport, aid; Fleet Secretary O. G. Sawyer, Lieut. W. S. Cowles, Lieut. W. W. Kimball, and Midshipman George C. Foulk, aid.

His Majesty most graciously received the rear-admiral and the gentlemen who accompanied him, and addressing them, His Majesty was pleased to say "that he was gratified to see them, and that he hoped they would enjoy a comfortable sojourn in the empire." The rear-admiral responded to His Majesty in a fitting and appropriate address, a copy of which I have the honor to inclose.

His Majesty having also addressed words of congratulation to me, I deemed it proper to thank His Majesty, as I did, for the distinguished consideration shown to my Government and its officers.

I have, &c.,

JNO. A. BINGHAM.

---

[Inclosure in No. 679.]

*Address of Admiral Patterson on the occasion of his reception by the Emperor.*

It is very gratifying to have the honor of this presentation to His Imperial Majesty the Emperor of Japan, and the privilege of expressing in person the good wishes entertained by myself and all under my command for the welfare of His Majesty and his people.

The President of the United States will learn with pleasure, through the medium of the envoy extraordinary and the minister plenipotentiary of the United States near His Majesty's court, that the friendly audience has been extended to myself and suite.

No. 307.

*Mr. Bingham to Mr. Ervarts.*

No. 682.]

UNITED STATES LEGATION,

*Токеі, Japan, December 1, 1877. (Received January 10, 1878.)*

SIR: On the 30th instant, upon invitation, I visited, with my several colleagues, the Uyeno Park, to witness the closing ceremonies of the National Industrial Exhibition of Japan. The Emperor and Empress, with the imperial household and His Majesty's ministers, were present. His Majesty opened the ceremony by an address, in which he declared his approval of the management of the exhibition and the conduct of the officials. His excellency Mr. Okubo, minister of the interior, and his excellency Mr. Kumamoto, governor of Токеі, each addressed His Majesty.

I have the honor to inclose translations of the addresses of His Majesty and of the officials on the occasion, as published in the Japan Daily Herald of this date.

The exhibition has been highly successful, and has been visited by several hundred thousand persons.

I have, &c.,

JNO. A. BINGHAM.

[Inclosure in No. 682.]

*The closing of the National Exhibition at Uyeno.*

[From the Japan Daily Herald, December 1, 1877.]

At about 2 p. m. yesterday the princes of the imperial blood, the Daijin, Sangi, foreign representatives, and others, altogether nearly a hundred persons, had assembled to await the arrival of the Emperor and the Empress. Their Majesties left the imperial palace at 3 p. m., and arrived at the exhibition grounds at 4.15. The Emperor was led to his seat by the Daijo Daijin, the minister of the home department and the master of ceremonies; the Empress by the Udaijin. The Emperor, being seated, addressed the following words to the minister of the home department:

"The term for the national industrial exhibition having now come to an end, we, in person, perform the closing ceremony. We have been gratified by the manner in which the exhibition has been managed, by the zeal of every one of you and of all the departments."

The minister of the home department replied as follows:

"Your Majesty's servant, Toshimichi, most respectfully states that, the exhibition having been open its allotted time, their Majesties are now present to perform the ceremony of closing it and grace it by their presence, which overwhelms us with admiration and awe. Ten years have now elapsed since the restoration, and this exhibition was opened in order to stimulate the industry of the people, for the prosperity of a country depends upon the industry of its inhabitants. Your servant Toshimichi has been intrusted with the ministry of the interior and is in that capacity responsible for the government of the people. I hope that all will be loyal to your Majesty in return for your Majesty's merciful and sacred sway."

Next Kumamoto Masataka, chiji of the tokiō fu, spoke in the name of the governors of the fu and ken:

"To-day, the 30th day of the 11th month of the 10th year of Meiji, the national industrial exhibition is closed by his Majesty the Emperor in person, and your servant Masataka is happy at being present on this occasion. His Majesty's care for industry becoming known throughout the whole country, porcelain wares were forwarded in such variety and quantity that they could not all find room within the six buildings; visitors from every place in the country thronged the exhibition grounds, every industry has displayed its skill, and the whole nation has understood the great utility of machinery. Articles of every possible variety have indeed been collected in this exhibition. Your servants are well aware that his sacred Majesty's benevolence will expand more and more, and they also know that it will not be long before another exhibition is opened."

We wait for the time when exhibitions will be opened in all of our districts. Your servant Masataka, and others most respectfully offer our congratulations."

The buildings were then closed, and their Majesties went to the tokio fu building, where they took a rest while the military bands of music performed on their instruments. After their Majesties had witnessed a display of fireworks on the island in Shinobadzu Pond, with which they were highly pleased, they left the exhibition grounds at 6.30 p. m. During the afternoon the neighboring streets were crowded with people, and in the evening the houses were illuminated with red lanterns.

No. 308.

*Mr. Bingham to Mr. Evarts.*

No. 691.]

UNITED STATES LEGATION,

*Tokai, Japan, December 17, 1877. (Received January 19, 1878.)*

SIR: A full legation has been accredited by the Chinese Government to this court, consisting of a first and second minister, the first having the title of envoy extraordinary and minister plenipotentiary, two secretaries of the legation, one of whom is a native Chinese and reported to be a learned man, the other Dr. D. B. McCartee, a native-born citizen of the United States, a gentleman of very high character, of liberal education, and a good Chinese and Japanese scholar, who has spent many years in China, and also some three years in Japan (since I came here) in the capacity of an instructor in His Japanese Majesty's Imperial College in Tokai. The legation is also supplied with four interpreters and nine attachés to perform clerical duties, &c., and is also attended by a number of servants. The legation arrived yesterday. It would seem, from the fact that Japan has established a legation in Peking and that China for the first time has accredited permanent ministers to this court, that these two powers seek by friendly and intimate relations to co-operate for their mutual interests in the correction of so much of the policy which by the co-operation of the Western powers has been fastened upon them to the hurt of their respective interests. It seems to me that it is fortunate that Dr. McCartee, upon the invitation of the Chinese government, accepted the position of secretary to the Chinese legation. When the doctor parted with the Chinese minister at Nagasaki, the minister said to him that he desired especially a letter of introduction to the American minister. When the doctor made mention of this to me, it seemed not improper to say to him that possibly the minister had learned the fact that Prince Kung, in 1874, had said, in an official communication to our chargé d'affaires *ad interim* at Peking (Dr. Williams) of my action in relation to the employment by Japan of an American vessel and of American citizens in the Formosa expedition, that it met the approval of the Government of China and showed "clearly that the United States is ready to maintain its peaceful relations with China, and this effort of the American minister in Japan to uphold treaty obligations is very honorable to him, and we (the prince and high officers) are deeply sensible of it, and shall feelingly remember it." (See inclosure No. 7 with my dispatch No. 98, of date July 16, 1874, to Mr. Fish).

I have, &c.,

JNO. A. BINGHAM.

No. 309.

*Mr. Bingham to Mr. Evarts.*

No. 712.]

UNITED STATES LEGATION, JAPAN,  
*Tokai, January 12, 1878. (Received February 8.)*

SIR: His Majesty the Emperor, as is the custom, invited the foreign representatives to audience at the imperial palace on the first day of the year, for the purpose of exchanging congratulations.

On this occasion, as on a former one, Her Majesty the Empress was also present, which I before noted, and now again note, as an evidence of the advancing civilization of this empire, in which, through twenty-six centuries preceding the present reign, no such consideration was shown to woman in her character of wife or mother.

I have the honor to inclose herewith copies, in English, of the address made on that occasion by the foreign representatives to His Majesty, and His Majesty's reply thereto.

I have, &amp;c.,

JOHN A. BINGHAM.

---

 [Inclosure No. 1.]

*Address of the foreign representatives on the occasion of their reception by the Emperor, January 1, 1878.*

The anniversary of the new year furnishes the foreign representatives accredited to Your Majesty an opportunity, of which they gladly avail themselves, of presenting their congratulations to Your Majesty. It affords them sincere pleasure to know that the relations of Your Majesty with the sovereigns and presidents of the states which they have the honor to represent continue to be of the most friendly character, and they trust that Your Majesty and the imperial family will long enjoy the blessings of health, and that Your Majesty's wishes for the peace and prosperity of your people will be fully attained.

---

 [Inclosure No. 2.]

*Reply of the Emperor to the address of the diplomatic corps, January 1, 1878.*

I am glad to receive the congratulations of your excellencies at the favorable season of the new year, and rejoice to celebrate this happy occasion along with the sovereigns and presidents of the friendly powers.

I am glad, also, that your excellencies have entered upon the new year in health.

No. 310.

*Mr. Bingham to Mr. Evarts.*

No. 737.]

UNITED STATES LEGATION, JAPAN,  
*Tokai, February 21, 1878. (Received April 1.)*

SIR: I have the honor to inclose herewith copies of two several communications addressed to me in June last, by Rear-Admiral William Reynolds, United States Navy, commanding the United States naval squadron on this station, in relation to the use of harbor regulations and a harbor-master at the port of Yokohama, and suggesting that if I deemed it advisable I should bring the matter to the notice of the Japanese Government.

On the 16th of June last I acknowledged the receipt of Rear-Admiral Reynolds's communication of June 15, and soon thereafter I called at the

foreign office and verbally made mention of the subject, and suggested the propriety of some action on the part of His Majesty's Government for the better security and order of vessels in the port of Yokohama, and for the protection of the harbor, by preventing its obstruction, as was being done by the deposit therein of ashes, &c., from steamships, as represented to me by Rear-Admiral Reynolds.

I was answered at that time by the minister of foreign affairs' secretary that the subject would be inquired into, and that I would in due time be advised in relation thereto.

Having received no advices on the subject from the foreign office, on the 26th of November last I addressed to his excellency Mr. Terashima, the minister for foreign affairs, a dispatch, a copy of which I have the honor to inclose. On the 18th of December last Mr. Terashima replied that in 1872 harbor regulations for the port of Yokohama were issued by the Japanese governor (kewrei) of that port, after consultation with the foreign consuls, copies of which reply and of the regulations I have the honor to inclose.

Upon due consideration of the regulations, it is my opinion that they are reasonable; that they do not conflict with any treaty provision, and that they should be recognized and observed by all the naval and merchant vessels entering and clearing the port of Yokohama. Of course, for any breach thereof by any of our commanders or officers of vessels, the penalties prescribed by the regulations would not control the action of our consuls, inasmuch as by the treaty of 1858, and by the act of 1860, Americans offending in this empire against law are to be tried before our consuls, and after conviction to be punished according to American law. (Consular Regulations, 1874, page 193, article 6; and Revised Statutes, sections 4084, 4085, and 4101.)

The opinion herein expressed upon the validity of these harbor regulations rests upon the same reasons which I had the honor to assign for my opinion in the matter of the hunting regulations as communicated to the Department in my No. 17, and which was approved by the Department in instruction No. 18. (Foreign Relations for 1874, pages 653, 654 and 658, 659.)

I also respectfully refer to instruction No. 25 in reply to my Nos. 45 and 46 in relation to the regulations by this government of trade and travel in the interior. (Foreign Relations, 1874, pp. 670, 671.)

Permit me to add that I am the more assured of the rightful authority of Japan in the premises by your instruction to me, No. 296, of date the 8th of June last, in which you express the opinion that "there should be no attempt made to exercise control over the domestic and municipal affairs of the Japanese Government, by the foreign representatives, except so far as absolutely necessary to the enforcement of treaty stipulations."

The harbor regulations issued by this government seem to me needful for the good order and safety of the shipping in the port of Yokohama, and necessary to protect that harbor from dangerous obstructions by the discharge from vessels into the harbor of ashes and other waste matter, which discharge, as at present practiced, is expressly prohibited by the regulations inclosed. (Article VII.)

Trusting that my views may meet your approval, I beg leave to say that upon the receipt of your instructions to that effect, I shall take measures to have these regulations observed by all American vessels.

I have, &c.,

JOHN A. BINGHAM. .

## FOREIGN RELATIONS.

[Inclosure No. 1 in No. 737.]

*Rear-Admiral Reynolds to Mr. Bingham.*

FLAGSHIP TENNESSEE, SECOND RATE,  
Yokohama, Japan, June 15, 1877.

SIR: I take occasion to address you relative to a matter that concerns the safety and convenience of ships of war and of commerce frequenting this port, in the hope that you may find it advisable to bring it to the notice of this government.

The port of Yokohama is at present without a harbor-master. The need of such an official is recognized in all harbors that are frequented by shipping, foreign and domestic. A harbor-master's duties are to see that the regulations of the port are carried out by vessels in coming to anchor, while at anchor, and in going to sea. I am not aware that there are any port regulations as to the anchorage of ships at this place in existence, while the necessity for them, and for a proper official to enforce them, is quite apparent.

Harbor-masters are to be found at the treaty ports of China, and of course at Hong-Kong. The port regulations of Hong-Kong are well adapted to the purpose.

Vessels loaded with combustibles take an anchorage apart from other ships, and far enough from shore to avoid endangering the town in case of explosion.

Ships of war can have their place of anchorage fixed.

Disputes as to anchoring-berths are decided by the harbor-masters; an important matter when collisions occur. A steam-launch, always ready for use, and an assistant to harbor-masters are requisite.

Admiral Ryder has addressed a letter to the British minister on this subject, and I believe Admiral Vernon will write to the French minister likewise.

I am, &c.,

WM. REYNOLDS,

*Rear-Admiral, Commanding United States Naval Force, Asiatic Station.*

[Inclosure No. 2 in No. 737.]

*Rear-Admiral Reynolds to Mr. Bingham.*

FLAGSHIP TENNESSEE,  
Yokohama, Japan, June 22, 1877.

SIR: Captain Young informs me that he has heard from good authority that the depth of water at this anchorage is diminishing from the throwing overboard of ashes by steamships frequenting Yokohama.

This is another matter for harbor regulations to take cognizance of and for a harbor-master to enforce attention to. Ashes, as well as other *débris*, are not allowed to be thrown overboard in harbors, but scows are provided in which they are to be dumped and taken away for discharge at the place indicated by the authorities.

I am, &c.,

WM. REYNOLDS.

[Inclosure No. 3 in No. 737.]

*Mr Bingham to Mr. Terashima.*

UNITED STATES LEGATION,  
Tokai, November 26, 1877.

SIR: In June last I received from Rear-Admiral William Reynolds, U. S. N., then commanding the United States naval force on the Asiatic station, a communication, in which he advised me of the need of a harbor-master in the port of Yokohama, and also the need of port regulations in that harbor.

Soon after the receipt of this communication I called at the foreign office to confer with your excellency on the subject, but not having the good fortune to meet you, I made known to Mr. Ishibashi the object of my visit, and suggested to him that he should bring the matter to your excellency's attention, and that also through the Japanese consul at Hong Kong a copy of the harbor regulations.

Having heard nothing on the subject, I now beg leave to suggest for your excellency's consideration the need of a harbor-master for the port of Yokohama, and the adoption of suitable harbor regulations by His Majesty's Government.

In my opinion the appointment of a harbor-master and the adoption of harbor regulations for that port rest exclusively with your excellency's government; but allow me to add that it is alike needful to the interests of your excellency's government and to

the safety of foreign vessels coming into that port that a harbor-master be appointed, and also that suitable regulations be adopted and promulgated.

I have, &c.,

JNO. A. BINGHAM.

[Inclosure No. 4 in No. 737.]

*Mr. Terashima Munenori to Mr. Bingham.*

FOREIGN OFFICE, TOKIO,

*The 18th, the 12th month, the 10th year Meiji (December 18, 1877).*

SIR: I have the honor of acknowledging the receipt of your excellency's dispatch, under date of November 26, 1877, informing me that the adoption of suitable harbor regulations for the port of Yokohama is alike needful for the interests of my government and to the safety of foreign vessels coming into that port.

I beg to say, in reply, that the adoption of harbor regulations in that port is a matter that has been deemed quite essential.

I inclose herewith a copy of a draught of regulations which was made out by the *kewrei* (governor) of Kanagawa in the 10th month of the 5th year of Meiji (October, 1872), and concerning which he then consulted with the foreign consuls.

I avail myself, &c.,

TERESHIMA MUNENORI.

[Inclosure to inclosure 4 in No. 737.]

*Yokohama harbor regulations ordinance.*

Whereas the Government of Japan deem it expedient that certain regulations should be made for the maintenance of order and for the preservation of life and property within the port of Yokohama: Therefore be it enacted and ordained as follows:

I. The boundaries, limits, and anchorage of the port of Yokohama shall henceforth be defined and taken to be as follows, viz: A straight line drawn from Treaty Point to the light-ship in a northeast by east direction, and a straight line drawn from the light-ship to the entrance of Tsurumigawa River, and all vessels shall be considered within the "port limits" when Mandarin Bluff bears from them southwest or to the southward of southwest.

II. Every master of a merchant vessel shall hoist the ship's ensign, and shall also hoist the ship's number at the masthead before entering the port of Yokohama, and shall keep such number flying until the ship shall have been reported at the harbor-master's office.

III. Every master of a merchant vessel shall within 24 hours after arrival within the limits of this harbor report the arrival of his ship at the harbor-master's office; and, in case of a vessel which is not represented by a consul, shall deposit there the ship's articles, register, list of passengers, and a true copy of the manifest, if required. In the case of a foreign vessel represented by a consul, the said papers shall be lodged by the master at the proper consulate, under a penalty of not exceeding \$200 on refusal or neglect of the master to do so.

IV. Every master of a merchant vessel arriving in the harbor shall take up the berth pointed out by the harbor-master, or by any authorized person sent on board by him for that purpose, and shall moor his ship there properly, and shall not remove from it to take up any other berth without his permission, except in case of necessity, to be decided by the harbor-master, under a penalty not exceeding \$100, and he shall remove his vessel to any new berth when required to do so by the harbor-master, under a fine not exceeding \$20 for every hour the vessel shall remain in her old berth after notice to remove under the hand of the harbor-master, or his deputy, shall have been given on board of her.

V. Every master of a merchant vessel shall immediately strike spars, clear house, or shift berth, or obey any other order which the harbor-master may think fit to give, and any master willfully disobeying or neglecting this regulation shall be liable to a fine not exceeding \$200.

VI. Every master of a merchant vessel about to proceed to sea shall, under a penalty not exceeding \$50, hoist a blue peter twenty-four hours before time of intended departure, and shall give notice to the harbor-master, who shall furnish a port-clearance and shall likewise attest the manifest if necessary; and any ship having obtained such clearance, and not sailing within thirty-six hours thereafter, shall report to the harbor-master the reason for not going, and shall redeposit the ship's papers if required.



VII. No dead body shall be thrown overboard within the limits of the harbor under a penalty not exceeding \$200, to be paid by the master of the vessel; and no stores or other ballast shall be thrown overboard within the said limits under a penalty not exceeding \$100, to be paid by the master of the vessel from which such stores or ballast shall have been thrown.

VIII. Every commanding officer of a ship of war, or master of a merchant vessel, of whatever nationality, who may arrive in the harbor, having small-pox or any other disease of a contagious or infectious nature on board, shall hoist the proper quarantine flag, and no communication shall be held with any other vessel or boat, or with the shore, until permission be given by the harbor-master; and the boarding officer, on nearing such ship, shall be informed of the nature of the disease, that proper precautions may be taken, and assistance rendered, under a penalty, in any of the foregoing cases, not exceeding \$200 for every offense.

IX. Every commanding officer of a ship of war, or master of a merchant vessel, having any such disease on board, shall forthwith remove his ship to any berth which shall be pointed out to him by the harbor-master, and there remain and keep the quarantine flag flying until a clean bill of health shall be granted by the harbor-master, and shall afford free access and render every assistance to any officer of health who may be directed by his excellency the governor to visit such ship, under a penalty not exceeding \$200 for every offense.

X. In case of fire occurring on board any ship or vessel in the harbor, if at night, three lights shall be hoisted in vertical position at the highest masthead and a single light at the peak, and guns shall be fired in quick succession until sufficient assistance shall be rendered; and if during the day, the ensign shall be hoisted union down, with the signal in Marryatt's Code, 2104, "I am on fire," at the highest masthead, and guns fired as above provided for nighttime.

XI. Except as signals of the arrival or departure of mail-steamers or as signals of fire, as directed in section X of this ordinance, or under the sanction of the harbor-master, no cannon, gun, or fire-arm of any description shall be discharged within the limits of this harbor from any merchant vessel, under a penalty not exceeding \$200.

XII. Every master of a vessel in this harbor shall, from sunset to sunrise, cause to be exhibited a bright white light from the starboard foreyard-arm at an elevation of not less than than twenty feet above the bulwarks, and in case of dismantled vessels or hulks wherever it can best be seen, and in default thereof shall incur a penalty not exceeding \$100.

XIII. Every master of any vessel, of whatever description, in this harbor, who shall make or cause to be made fast to the public light-ship, or any of the buoys or beacons or their moorings, any rope, chain, or other gear, or shall foul, or in any way injure, the said light-ship, buoys, beacons, or moorings, shall, on conviction thereof, be fined a sum not exceeding \$25, in addition to the cost of repairing or replacing the same.

XIV. A public fairway shall be buoyed off for the passage of ocean-going and coast steamers, and no vessel or boat of any description shall be allowed to anchor within such fairway, and the master of any such vessel or boat dropping anchor in or otherwise obstructing such fairway, shall be liable to a fine for each offence not exceeding \$50, in addition to any other fine otherwise liable under this ordinance in the case of sea-going vessels; and in the case of boats licensed by the harbor-master, to a like fine, in addition to forfeiture of license, if so adjudged by the harbor-master.

XV. The harbor-master shall have power to fix, from time to time, the place of anchorage for coasting steamers, and to grant permission to the owners of such steamers to lay down permanent moorings to be approved by him; but no coasting steamer shall drop anchor or moor within the fairway provided under section XIV of this ordinance.

XVI. The harbor-master shall have power to direct and enforce the anchorage of ships in such part of the harbor, for the purpose of discharging cargo, as he shall from time to time think necessary.

XVII. It shall be lawful for his excellency the governor, from time to time, to set apart a special part of the harbor for the anchorage of ships of war, and within such portion of the harbor no merchant vessels or native craft or boats of any description shall be permitted to anchor without the special sanction of the harbor-master in each case obtained.

XVIII. No powder-hulk or vessel of any sort used for storing gunpowder or any other explosive material will be allowed to remain within two miles of the port of Yokohama, and every such powder-hulk or vessel must at all times be open to inspection by a duly-authorized officer of the government, so as to insure that proper precautions are used on board of such hulk or vessel for the prevention of accidents; and in case the owner or person in charge shall refuse to allow such inspection, he shall be liable to a fine not exceeding \$500.

XIX. The master of any such vessel as mentioned in the preceding section shall, as soon as possible, remove his vessel to the berth pointed out to him by the harbor-master, and the said vessel shall not be removed therefrom without the permission in writing of the harbor-master.

XXI. The master of every vessel having on board more than 200 pounds of gunpowder, or while engaged in shipping, transshipping, or discharging any quantity, shall exhibit at the highest masthead a red flag.

XXII. It shall not be lawful for the master of any vessel to transship any gunpowder or other explosive material between the hours of 6 p. m. and 6 a. m. from October to March inclusive; nor between the hours of 7 p. m. and 5 a. m. from April to September inclusive, without written permission from the harbor-master.

XXIII. It shall not be lawful for the master of any vessel having on board gunpowder, exceeding in quantity 200 pounds, to anchor nearer than 500 yards from any other vessel.

XXIV. A copy of this ordinance shall be delivered to each master of a vessel entering the harbor, and on neglect to return such copy on obtaining clearance a fee of one dollar shall be payable by the master.

XXV. Whenever the word "master" is used in this ordinance, it shall be deemed to include any person having charge of a ship or vessel or any other craft.

XXVI. All offenses against any of the provisions of this ordinance shall be cognizable by, and may be heard and decided by, the consul of the offending party, and in cases of persons not represented by a consul, all such cases may be heard and decided by the Japanese authorities at the Saibausho.

XXVII. Nothing in the sections of this ordinance numbered from XIX to XXIII, both numbers inclusive, shall apply to His Majesty the Emperor of Japan's ships of war, or to the ships of war of any foreign nation, or to the hired armed vessels in His Majesty the Emperor's service, or in the service of any foreign nation, or to government, naval, or military stores.

XXVIII. The above regulations of the port of Yokohama being duly in force, his excellency the governor of Kanagawa shall have power to make such alterations or additions thereto as he may from time to time think fit, the same having been previously laid before the several consuls for consideration.

[NOTE.—The above draught of regulations having been framed in October, 1872, was at that time made the subject of consultation between the governor of Kanagawa and the foreign consuls at Yokohama.]

---

No. 311.

*Mr. Bingham to Mr. Evarts.*

No. 796.]

UNITED STATES LEGATION,  
Tokai, Japan, May 16, 1878. (Received June 13.)

SIR: It is with sorrow that I have to report that on Tuesday, the 14th instant, his excellency Okubo Toshimichi, His Imperial Japanese Majesty's minister of the interior and councilor of state, was assassinated on a public street of this capital by six men armed with swords. The minister was, at the time, in his carriage, on his way to the imperial palace. One of the horses to the carriage was first killed and the other wounded by the assassins, and the coachman, having fallen from the carriage, was then also killed, when, falling upon the doomed minister, who was unarmed, each of the assassins inflicted wounds until the minister was dead. The six criminals then surrendered themselves to the imperial guard.

Having been told of this great public calamity a few hours after its occurrence, I immediately addressed a note on the subject to the foreign office, expressing the hope that the minister had survived the assault; and on being notified by the foreign office of his death, I called with the secretary of this legation at the house of Mr. Okubo, and expressed in person my sympathy for his family in their bereavement, and also addressed a note to his excellency the minister of foreign affairs.

I have the honor to inclose herewith a copy of Mr. Terashima's note to me and of my reply thereto.

For your information I also inclose four articles in relation to the assassination, published in and translated from the Hochi Shimbun, the

Nichi-Nichi Shimbun, the Choya Shimbun, and the Akebono Shimbun, each having been issued on the 15th instant.

His excellency Mr. Okubo was one of the foremost of the Emperor's counselors and officials and in the prime of life; his place cannot be readily filled. Having a personal acquaintance with Mr. Okubo, I greatly esteemed him. He was manifestly sacrificed by some of the aiders and abettors of the late rebellion, of which I had occasion to say heretofore in my dispatches that it was a rebellion "which should not have begun" and which was "without justification or excuse." Its suppression was a patriotic duty, and his excellency Mr. Okubo having done his duty in that behalf is now on that account murdered.

I have, &c.,

JNO. A. BINGHAM.

[Inclosure 1 in No. 796.—Translation.]

*Mr. Terashima to Mr Bingham.*

MAY 14, 1878.

SIR: I have the honor to hereby inform you that this morning, at 8 a. m., Okubo Toshimichi, councilor of state and minister of the interior, while on his way to call on the Emperor, was attacked and wounded by assassins, at Kirvaricho Kojimachi, and has since died.

With respect and consideration,

TERASHIMA MUNENORI,

*His Imperial Japanese Majesty's Minister for Foreign Affairs.*

His Excellency JOHN A. BINGHAM,  
*Envoy Extraordinary and Minister Plenipotentiary  
of the United States in Japan.*

[Inclosure 2 in No. 796.]

*Mr. Bingham to Mr. Terashima.*

UNITED STATES LEGATION,  
Toket, May 15, 1878.

SIR: Your excellency's communication of the 14th instant is received, wherein you acquaint me of the death on that day, by the hands of assassins, of his excellency, Okubo Toshimichi, councilor of state and minister of the interior, while on his way to call upon His Imperial Majesty the Emperor.

The loss of this greatly esteemed and valuable minister of state is deeply deplored by me.

Accept, I pray your excellency, the assurance of my high consideration.

JNO. A. BINGHAM.

His Excellency TERASHIMA MUNENORI,  
*His Imperial Japanese Majesty's Minister for Foreign Affairs.*

[Inclosure 3 in No. 796.—Translation.]

[Extract from the Japan Daily Herald, May 15, 1878.]

### THE ASSASSINATION OF OKUBO.

*From the Hochi Shimbun of May 15, 1878.*

We have heard the following particulars with regard to the assassination yesterday, the 14th instant, of Mr. Okubo Toshimichi, Sangi and minister of the home department, aged 42 years:

At about 8.20 a. m. his excellency left his house in a carriage drawn by two horses to go to the imperial residence. Just as he arrived at a place commonly known as Shimidzudani, being lot No. 1 in the Kioi-cho, there came up from the opposite direction a young man dressed in clothing of light blue cotton cloth, holding in one of his hands some

flowers and singing a snatch of a song. He drew near to the carriage, and then, as a signal, threw down his bunch of flowers, and drawing a sword he had concealed on his person, tried to hamstring the near horse, whereupon, in a moment, five assassins sprang forth through an old wooden paling at the side of the road, brandishing swords, with which they struck blows around. The horses plunged forward and reached the front of the Kakuzensha site, when, the carriage being thrown backwards, the driver, named Yoshizo, was flung headlong to the ground, and at once cut down and killed. The carriage was then hemmed in both on the right and the left, and blows were struck, when his excellency received a cut across the eyebrow and several wounds on the face; as, however, he was not even then quite dead, he was dragged forth, and dispatched by a thrust through the neck. The groom who was riding behind the carriage ran off in haste to give the news at the police station, when some police inspectors and constables rushed to the spot, but all was over before they arrived. The assassins flung away their swords then and there, and ran off, with the intention of giving themselves up at the household department. There, however, they were surrounded by the men on guard, and in the mean time a number of police coming up bound and took them away. We hear that the names of the assassins are Cho Rengo, aged 18; Shimada Ichiro, aged 29; Matsumoto Otokijun, aged 24; Wakida Koichi, aged 25; Sugimura Bunichi, aged 24, all five being *shizoku* of the Ishikawa *ken*; and Asai Hisa-atsu, aged 23, a *shizoku* of the Shimane *ken*.

We are informed that the man called Shimada Ichiro is an officer of the Chikoku-sha (patriotism-advocating society) in the Ishikawa *ken*; and that Cho Rengo lived at Kagoshima up to the time of the rising of the insurgents in the west last year, after which affair he went back to that *ken*.

---

*From the Nichi Nichi Shimbun of May 15, 1878.*

The following notification was, on the 14th instant, issued by the *Daijo-kwan* to all the *Kwan, In, Sho, Shi, and Fu*:

"It is hereby notified that *Sangi* Okubo Toshimichi was, at 8 a. m. on the 14th instant, so severely wounded by assassins whilst on his way to the imperial palace, as to cause his death.

"The assassins—Shimada, Sugimoto, Cho, Wakita, and Sugimura, *shizoku* of Ishikawa *ken*, and Asai, *shizoku* of Shimane *ken*—were captured at the same time."

Look at the above-mentioned notification issued by the *Daijo-kwan*! What day was it, the 14th May, 1878? H. E. Okubo Toshimichi, an officer of the senior third rank, and decorated with the first class of the Japanese order, a member of the privy council and minister of the interior, has been assassinated at Kiou-machi (commonly called Shimizu dani), on his way to the imperial palace. It was the day appointed for distributing the decorations amongst the officers of the army and navy at the *Daijo-kwan*, and therefore his excellency left his house at Ura-Kasumigasaki at 8 a. m. in a carriage drawn by two horses. The carriage was approaching Kiou-machi, and it was just at a spot where the rear of H. I. H. Kita-Shirakawa-no-miya's mansion is on the right, and the house of Mibu, the *kwazoku*, on the left, where there are some small mounds on either side of the road. Near Mibu's house mulberry trees had been planted, and the weeds had grown to such a height as to form a complete shelter for any one, and there were never many passengers in the neighborhood. On this occasion the scene had a peaceful aspect, the day was rather cloudy, threatening rain, and no one was in sight except two young men who were dressed like students, and who carried branches of a tree with flowers upon them. They stopped, and were playing with one another when a *betto* named Yoshimatsu came running along, and immediately after appeared the minister's carriage, driven by a coachman named Taro. The carriage passed just in front of the Akasaka gate and turned to the left, and just when it was opposite the side of Mibu's house, four men made their appearance from behind a little wooden building on the left-hand side of the road. They took off their coats and tied the sleeves of the garments very tightly around their waists, when they appeared in white shirts, and were all armed with long swords. They suddenly approached the carriage, and wounded the horses in the fore-legs, and these latter became unmanageable and fell to the ground. The coachman, greatly surprised, cried out Robbers! robbers! and letting the reins fall was about to jump down from the carriage, when the assassins advanced near, and with one blow cut him down from the shoulder to the breast. Immediately the two men with flowers in their hands, who had been walking together, had turned back, but were now armed with swords in place of the flowers, and the six men together ran up to the carriage, and as H. E. was about to get out from the left-hand door, and was trying to stand up on the ground, one of the assassins came forward and, aiming at his excellency's head, gave an awful blow which cut from the top of the head to the eyes, and at the same time cut off one of Okubo's hands which he had raised in his defense. They then drew the minister out from the carriage and inflicted several wounds in various parts of his

body, and one of them, taking up a short sword, stabbed him through his throat, to give him the *coup de grace*, and left the sword sticking in the wound. They then threw the rest of their swords into the carriage (or as some say into the weeds, which grow to a great height there), and went quickly away in the direction of Kojimachi.

Now the *betto*, having witnessed this wonderful scene while making his escape, immediately proceeded to the gate of the imperial palace, where he reported the matter to the guard. From thence he went to the police station outside Akasaka gate, and the news arriving at the same time from the imperial household department, sergeants and policemen were at once sent to the place. General Saigo Yorinichi, who was at the imperial palace, having received information of the event, immediately proceeded in his carriage to Kioi-machi with all speed. When he arrived there he found much blood in three places; there were two or three sword-cuts in the interior of the carriage, and the remains of the minister were still lying there while the policemen were making an inquisition into the affair. The general descended from his carriage, and, finding that the official inquiry had been finished, he ordered the remains to be covered with a blanket and to be placed in his own carriage, and the general himself conveyed them to his excellency's mansion.

On receipt of the news which the *betto* brought to the palace, the imperial household immediately placed extra guards at every gate. Meanwhile six men were seen coming from the direction of Kojimachi, towards the main entrance to the palace. On being asked who they were, two of them, who seemed to be the leaders, came forward, and in the calmest and most quiet manner spoke together in the following terms: "We have just now assassinated Okubo, *Sangi*, at Kioi-machi, on his way to the imperial palace, having awaited him there. Please report the matter to the authorities, and we will receive the punishment." The guards took the six men inside the gate, and forwarded their report to the authorities, and also sent word to the police station, from whence a police sergeant came directly with several policemen, to whom the six men were handed over, and were taken in *jinriki-ha* first to the head station and afterward to the third section, where they have been examined. Their names are as given in the foregoing notification. A copy of a petition was found on them. Cho and Shimada look a little over thirty years of age, and the other four about twenty, or over. Two of the four had their *hakama* stained with blood.

We are as yet unable to give particulars of the examination, but it is said that Cho was a chief *shizoku* in the late Kanazawa *han*, who had a pension of 300 *koku*, and that Shimada was, until lately, a barrister. It is also said that all six were amongst the rebels at the time of the last Satsuma rebellion, but had returned to their homes about the middle of the insurrection.

His Imperial Majesty the Mikado, on hearing of this sad event, was exceedingly grieved, and sent his attendant, Tomikoyi, on a message of condolence to the home minister's house. The two Empresses did the same, and forwarded various presents. All the high officers of all the departments also visited the late minister's residence, and thus carriages were continually running about, and there was, for a time, great confusion. Mr. Kiriama, the governor of Ishikawa *ken*, who is now in Tokio, proceeded to the police department at 4 p. m., and had not left at a very late hour of the night. A body of policemen were also detached to guard Okubo's house.

His excellency was one of the originators of the late restoration, and had a very onerous office imposed upon him as *sangi* and minister of the interior. His Majesty trusted in him, and the people placed their dependence on him, but now his life has been cut short by the swords of assassins. Alas! this is indeed a great sorrow for our country!

So many rumors have been current about this unfortunate event that it is impossible to say exactly what is true and what is false. It is possible, therefore, that there may be some wrong statements in the above; if so, we beg our readers to excuse us. We have only to add that his excellency's funeral will take place at two p. m. on the 17th instant, and that he will be buried at Awoyama, Tokio.

The *Choya Shimbun*, in mentioning the assassination of his excellency Okubo Toshimichi, says: "When we opened our letter-box about 3 p. m. yesterday, we found a letter addressed to us by Umemoto Rokuske, No. 6, Suido-cho, Koishikawa. On opening it, it proved to be 'the tale of a traitor's assassination,' in which the names of Shimada Kazuyashi, Cho Rengo and others were mentioned. It said: 'To-day we are going to assassinate Okubo Toshimichi in the public street, and we want our tale of a traitor's assassination published in all the newspapers. His crimes are the following: First crime, he scorns and oppresses the people, and his administration of public affairs is arbitrary; second crime, he confuses our laws and is always bent on increasing his personal influence and wealth; third crime, he wastes the finances of the empire on useless public works and superfluous public buildings; fourth crime, he dislikes the patriots and causes civil wars; fifth crime, he loses sight of the national dignity in his in-

tercourse with foreigners.' The letter consisted of thirteen sheets, written in a very good hand, and in a good style. We forwarded it to the police authorities, who have kept it until now. The letter also said that the persons mentioned in it at the time of the southwestern rebellion tried to join Saigo in defense of the righteous cause, but that they failed to accomplish their object. It is reported that Shimada, Cho, and the others were members of the *Chiu-koku-sha* (a patriotic society) in Ishikawa *ken*, and we hope shortly to be able to place more complete information before our readers."

The *Akebono Shimbun* says that the assassins have handed in a long petition, in which they state "that they were willing to sacrifice themselves on behalf of their country for the purpose of killing those high officers on whom the responsibility rests, and that Okubo *sangi* is not the only one who is to be killed, but he is the first one." When they were asked by the examining officer, "Why they killed the coachman?" they replied smilingly that "they felt it a pity to kill that coachman, but that they were obliged to do so because he attempted resistance."

The same paper says that immediately after the attack, an army officer from the barracks at Azabu happened to pass and asked the assassins, "what they had been doing?" They calmly replied that "what they had been doing was not for him to know, but that they were going to deliver themselves up and at the same time hand in a memorial, in which the reasons of their acts were plainly set forth." It is said that these six men have all been studying in Kagoshima for some years. These are, however, only rumors, the truth of which we cannot guarantee.

### No. 312.

*Mr. Bingham to Mr. Evarts.*

No. 807.]

UNITED STATES LEGATION,  
Tokai, Japan, June 6, 1878. (Received July 6.)

SIR: Referring to my No. 796, of the 16th ultimo, wherein I acquainted you of the assassination of his excellency Okubo Toshimichi, I beg leave to further communicate a translation from the *Nichi Nichi Shimbun* (the official organ), an account of the funeral of Mr. Okubo and a memorial of his life from the Japan Mail. It was apparent in the many thousands who looked on in silence when the remains of the murdered minister were borne to the grave, attended by the personal representatives of His Imperial Majesty, by the ministers of state, and the representatives of all nations accredited to this court, and many people, that there was general and sincere regret that the minister was dead, and that so great a calamity had befallen the empire.

On the 15th of May, the day after the assassination and death of Mr. Okubo, His Imperial Majesty the Emperor addressed to Mr. Okubo a letter, a copy of which the foreign minister has kindly sent to me at my request. I inclose a translation of His Majesty's letter, in which he says to Mr. Okubo, as though present and in life: "You were indeed our most valued and trusted servant. In your untimely death we have, therefore, suffered the most mournful bereavement. In token of our respect we hereby confer upon you the title *Udaijin*, with the rank of *sho-ni-i* (senior second), and also present you with five thousand yen."

There is something very impressive in the simple faith of this people, that their dead still live.

I have, &c.,

JNO A. BINGHAM.

[Inclosure 1 in No. 807.—Translation.]

[Extract from the Japan Daily Herald, May 21, 1878.]

## THE BURIAL OF OKUBO TOSHIMICHI.

(From the *Nichi Nichi Shinbun*.)

The obsequies of Okubo Toshimichi, on whom the title of Udaïjin and the grade of senior second rank officer were posthumously bestowed, took place yesterday.

The funeral procession left the residence of the deceased minister in Sannen-cho, Kasumigaseki, Tokio, at 2 p. m., and winding its way by Uchi-saiwai-cho, through the Tora-no-mon gate, along Katohhira-cho past the public works department by the Seventh street of Ta-machi Akasaka, by Denna-cho over Ushinakisaka, reached the burial grounds at Awoyama. The procession was preceded by a police inspector on horseback, followed by nine mounted police sergeants, who rode three abreast. Then followed a regiment of cavalry, a company of sappers, and a band of music; next came two battalions of infantry and a field-battery; after these were borne aloft branches of the sacred tree Sakaki, and sixteen banners in red and white, in two files.

Then came Shinto priests on horseback, and ten musicians, in two lines, immediately followed by the coffin and its fifty bearers, accompanied by attendants, who carried severally the sword of the deceased, his shoes, and artificial flowers. Behind the coffin rode the chief mourner, Okubo Toshikazu, in a carriage, followed by the four sons of the deceased in another carriage. Then followed General Saigo, Lieutenant-Generals Oyama, Nozu, Takashima, and four other gentlemen. After a little interval came the imperial representatives, the princes of the blood, the ministers, the members of the privy council, the foreign representatives, other foreigners, and some of the nobles. Next in order came Kawaji, the chief of police, police inspectors, and police sergeants, all on horseback; the *Sonin* (the 4th to the 7th class), the *Hannin* (8th to the 17th class), the remainder of the nobles, and many other persons. A battalion of infantry and a field-battery closed the procession.

The soldiers carried their rifles reversed, and their arms, as well as the instruments of the musicians, were draped with white crape.

As soon as the coffin arrived in the cemetery at Awoyama, the troops took up a position to the west of the grave, and a salute of fifteen rounds was fired from a battery of six guns, while the priests performed the funeral service, the music played in a mournful strain, and when the service was over another salute of fifteen rounds was again fired. The coffin was then lowered into the grave, which was more than 15 feet deep, and when the grave had been filled up a tablet was placed upon it, which bears the following inscription: "Here rests Okubo Toshimichi, member of the privy council, minister of the home department, senior third rank officer, knight of the first class of the order of the Rising Sun, and, after his death, honored with the title of Udaïjin, and senior second rank officer."

It is impossible to tell how many hundred thousands of people witnessed the funeral: the carriages alone were counted by hundreds upon hundreds; the streets, the entire route from Okubo's residence to the cemetery, were lined on both sides with policemen; men and women crowded like ants in the streets to have a look at the funeral, the splendor of which they greatly admired, but the sadness of their feelings made them all very subdued and quiet. The cost of the funeral probably amounts to more than 20,000 yen.

Nakamura Taro, Okubo's coachman, who was killed at the same time as his master, has been buried close to the latter.

[Inclosure 2 in No. 807.]

[Extract from the Japan Daily Herald, May 22, 1878.]

## THE ASSASSINATION OF OKUBO.

(From the *Japan Mail*.)

The Japanese revolution, mild as its course has been, manifests its likeness to the bloodier revolutions of Europe in devouring its own children. Okubo Toshimichi, counselor of state and minister of the department of the interior, one of the leaders of the band of patriots who swept away the feudal system because it was a usurping despotism, fell, on the 14th instant, by the swords of assassins, who make it their first charge against him that he was an enemy to public discussion and the people's rights.

It may be true, as declared in the circular promptly issued by the authorities, that the actual perpetrators of the crime, the six youths now undergoing examination, represent the whole extent of the conspiracy; but we are not bound to receive on trust the further statement in the circular that the incident has no political significance.

Had the crime been the act of a solitary maniac, or the wreaking out of some feeling of private revenge, there would have been no great improbability in the official assurance thus spontaneously tendered; but the ink of the circular was hardly dry when an epitome of the manifesto setting forth reasons which actuated the murderers was published in one of the leading newspapers of the capital. It is scarcely necessary to dilate upon the abhorrence which deeds of this kind must excite in the mind of every well-wisher of this country, whatever may be the shade of his political opinions; but in view of the well-marked division of parties, of the prominent position held by the deceased statesman among the party now in power, and of the recent evidences of the intensity with which, under the external calm maintained by the strong hand of the administration, political ideas are fermenting and seething among the masses, it would be folly to attempt to shut our eyes to the fact that for the Japanese nation, and for the present cabinet in particular, the death of Okubo is an event of the utmost political significance. In order to be able to forecast the influence which it is likely to have upon the course of public affairs, it will be necessary to pass in brief review the career and character of the vassal whose loss the Mikado bewailed in words of such studied dignity in his address to the assembly of provincial governors.

Born early in the third decade of the present century, of a humble *samurai* family in the Satsuma clan, and nurtured in the traditions of haughty exclusivism and of jealousy of the Tokugawa Shoguns which were the heritage of the Thimadzu house, Okubo's sympathies were early enlisted in the literary movement which looked longingly forward to the restoration of the governing power to the sovereign's hands. Drawn toward Kioto, the center of this movement, he there cultivated the friendship of the few among the *Kuge* who gave signs of political capacity, and between these dignitaries on the one hand and the body of patriotic students like himself, the pick and flower of the various feudal clans, on the other, an alliance was cemented which formed the nucleus of the court party that ultimately overthrew the Shogunate. In the troubled times which followed the appearance of the foreign fleets in the harbors of the Kwantō, the politics of his own province afforded ample scope for the display of his remarkable intelligence and vigor. He was in the train of Shimadzu Saburo in 1862 when Richardson's life was offered as a sacrifice on the shrine of the offended dignity of that arrogant nobleman, and in the negotiations and fighting which ensued he proved himself one of the boldest and ablest members of the clan.

We must pass hastily over the five eventful years that elapsed between the fight at Kagoshima and the abdication of the last of the Shoguns; not because the part played by Okubo in the drama then enacting was an unimportant one, but because the interest of the story is now historical rather than practical. It was not till the very moment of the crisis, the fight at Fushimi, that Okubo stepped into the front rank of the councilors of the new government. It was at his urgent advice that the brocade banner was unfurled which stamped the Shogun a traitor. Immediately after he sent in a startling memorial, recommending the removal of the capital from Kioto and the abandonment by the sovereign of that excessively reverential ceremonial by which his assumption of semi-divinity was maintained.

In the discussion of this and other urgent questions of state, the wide difference in the caliber of the two sections of which the court party, now the new government, was composed was made abundantly manifest. The *Kuge*, whose whole stock of attainments consisted in a knowledge of court etiquette and a smattering of elegant literature, were as children by the side of the *samurai* leaders, men versed in the practical work of local administration, and bent on obtaining for themselves that position in the national councils to which their abilities justly entitled them. Between the old principle of office for the aristocrat, and the new principle of tools to the workmen the contest was not doubtful; and within a month of the presentation of Okubo's memorial, on the 6th April, 1868, the Mikado, under the most solemn forms by which a monarch can pledge himself, swore that he would establish a deliberative assembly, submit all measures to public discussion, and make intellect and learning the qualifications for office. On the removal of the court to Yedo, now Tokio, the new government found itself face to face with an array of probably as difficult problems in statesmanship as it has ever fallen to the lot of any administration to deal with. And after all deductions for inevitable mistakes have been made, the result is one of which any nation might reasonably be proud. But patriotic vanity is prone to forget both the stimulus and the help derived from the unwelcome contact of the foreigner. A burning sense of the inferiority of Japan to the once despised barbarians has been the main-spring at once of most of the beneficial reforms and most of the dangerous mistakes made by the administration now in the tenth year of its tenure of power. Okubo's name is imperishably associated with the long list of reforms which have changed Japan from a conglomeration of feudal principalities into a compact state of the modern type, but it is also connected in a special manner with most of the great mistakes that have alienated the sympathies of large classes of the people from the bureaucratic machine which governs them. Of all Japanese statesmen, he was the least distinctively Japanese. Something of a foreign strain, a strong dash of the



European, was perceptible in his character, fitting him to be the conductor of foreign influences and the interpreter of foreign ideas to his colleagues in the cabinet. Resolute, daring, and ambitious, he fancied that new institutions could be created as quickly and as easily as the old had been destroyed. Hence his eagerness to anticipate in his own lifetime results which must be the gradual growth of several generations. As a statesman, he was unquestionably inferior to his great colleague Kido, who represents the purely national side of the revolution, as Okubo represents the foreign influence which latterly has shaped its course. As a politician, his great defect was inability to estimate correctly the forces that opposed him. He forgot that, as he and his colleagues were gaining experience and assimilating new ideas, there were thousands of earnest and able minds throughout the nation undergoing the same process of development, and keeping pace with if not outstripping them in the race. The seminal ideas of liberty and personal rights have been sown broadcast among the people, and the popular party only waits for the appearance of competent leaders to manifest its strength. The broad question at issue between this party and the men now in power is whether the people are to have a voice in the work of civilizing themselves, or whether everything is to be done for them by a paternal government whose means of ascertaining their feelings and their wants are palpably defective.

The weighty significance of Okubo's death consists, then, it seems to us, in this, that it will put an end to the epoch of purely personal government, and leave the field clear for the initiation of constitutional government by party, a change for which, to the credit of Japan be it told, the nation is fairly ripe. That change and that alone will effectually remove the causes which produce such deliberate outrages as that which now wounds the self-respect of the nation and tarnishes its fame abroad.

Were it not that moral forces are in the main independent of the particular individuals who are moved by and transmit them, Japan might, perhaps, have reason to bewail as irreparable the loss of its three greatest men within a twelvemonth. Hardly a year ago, Kido, the finest intellect of the revolution, passed away in the deserved enjoyment of the confidence of his sovereign, the regard of his colleagues in and out of office, and the unqualified admiration of every section of his countrymen. But a few months have passed since Saigo, the most magnanimous spirit among the band that laid anew the foundations of the empire, fell, overwhelmed in a tempest of civil strife. And now Okubo, the most resolute will in that knot of councilors who have labored to wrench the nation from its ancient moorings and launch it in the current of modern progress, has fallen by the daggers of assassins. But the country need not and does not despair. It has made immense strides in political development since the days, so short a time ago, when reverence for the Emperor and hatred of the barbarians summed up its highest aspirations.

Fortunately for itself it has grown in intelligence sufficiently to know that its first want is no longer the ascendancy of iron-handed leaders, but of—

The law  
That from Discussion's lips may fall,  
With life that working strongly, binds,  
Set in all lights by many minds,  
To close the interests of all.

[Inclosure 3 in No. 807.]

To the late Okubo Toshimichi, senior officer of the third rank, with the first-class order of merit, councillor of state, and minister of the interior:

Having devoted yourself to the empire with patriotic zeal, and having served the sovereign with loyal faith, you originated and carried out the great measures which resulted in the restoration. Moreover, by your inflexible integrity and unremitting zeal you have accomplished invaluable services abroad, while by your intelligent judgment you have accomplished equal achievements at home. You were, indeed, our most valued and trusted servant. In your untimely death we have, therefore, suffered the most mournful bereavement. In token of our respect, we do hereby confer upon you the title of Udaijin, with the rank of shoni-i, and also present you with 5,000 yen.

[The Emperor's seal.]

The 15th of the 5th month.

No. 313.

*Mr. Bingham to Mr. Evarts.*

No. 821.]

UNITED STATES LEGATION,  
*Tokai, Japan, June 29, 1878. (Received August 3.)*

SIR: Referring to my former dispatches relating to the assassination of the late minister of the home department, his excellency Mr. Okubo, I note in the Tokio Times of this morning a paragraph setting forth that on the evening preceding his murder the doomed minister, referring to a letter which he had received warning him of a conspiracy to take his life, produced the letter to his friends at an entertainment, and, after reading it, said, "One's fate and life must depend upon the decree of Heaven," and added, "if my destiny has been fulfilled my end must come, though I should be surrounded by guards of soldiers."

I inclose the statement as published, and beg leave to add that I am greatly impressed with it because of the fact that our martyr President, Mr. Lincoln, upon the receipt (in November, 1864), by his faithful Secretary of War, Mr. Stanton, of the Selby letter, in which the purpose to assassinate the President was expressly declared, said to Mr. Stanton, as the latter informed me, that "if it was decreed he should die by the hands of assassins that it must be so, whatever precautions might be taken to avert their purpose." The Selby letter of which I speak is published in my argument on the trial of President Lincoln's assassins, in the volume on the trial, by Moore, Wiltach & Baldwin, page 381, and on page 73 of the printed official copy of my argument.

I have, &amp;c.,

JNO. A. BINGHAM.

No. 314.

*Mr. Bingham to Mr. Evarts.*

No. 848.]

UNITED STATES LEGATION,  
*Tokai, Japan, September 10, 1878. (Received October 18.)*

SIR: Herewith I have the honor to inclose an editorial of the Japan Daily Herald of the 31st ultimo, together with the remarkable plea of the assassins of Mr. Okubo, His Imperial Japanese Majesty's late minister of the home department.

You will observe that the editor undertakes to lift the horrid and base and cowardly murder of Mr. Okubo above the "vulgar region of ordinary murder," because the motives of the assassins, the editor considers, were wholly political. So it seems if assassins declare their motives for assassination to be political it results that their declaration of political motives "elevates their great crime."

The tale of the assassination committed by Ichiro and his associates, as written by them and herein inclosed, contains nothing which I have occasion to note, save this, that in reference to the Lew Chew Islands the assassins say that "the inhabitants petitioned our (the Japanese) government with good reason"; that Japan took advantage of the inferior strength of the islands and compelled them to change their form of government and wounded their national feelings. They conclude by saying that in the foreign relations of Japan "the great point is not to possess brute force" nor "to oppress the weak and cringe to the strong,"

but to "have right and justice on our [their] side." (See last two paragraphs of their address to the Mikado.)

I have, &c.,

JNO. A. BINGHAM.

[Inclosure in No. 848.]

[From the Japan Daily Herald, August 31, 1878.]

### THE PLEA OF SHIMADA ICHIRO AND HIS ASSOCIATES.

At the time when the late home minister was assassinated, we translated from a Tokio newspaper—the Choya Shimbun—a paragraph relating how, in the afternoon of the day on which the tragic event took place, the letter-box of that newspaper was found to contain a sealed statement, signed by the six assassins, and headed "Tale of a Traitor's Assassination," in which the motives of the conspirators were set forth. The Choya Shimbun published a few lines of that statement, and was in consequence suspended for some time, although it had immediately forwarded the original to the police department. A perusal of the document shows what an utter misrepresentation it was to pretend that Okubo's assassination had no political significance. Ichiro's statement is—*more Japonico*—written in a rather diffusive style, but the circumstances under which it was written gave it a peculiar interest, which is heightened by the fact that it, in the present gagged state of press and speech in Japan, stands forth as a unique expression of probably widely entertained opinions, and deeply felt grievances. Notwithstanding, therefore, the extravagance and exaggeration of language which, with the exception of the prefatory part, to some extent, vitiates the composition throughout, we have thought the production well worth translating.

The document is a lengthy one, and it gave us much trouble to procure a copy, owing to the fact of its having, for very obvious reasons, been, as far as possible, suppressed by the government. Nevertheless, a portion of it has been translated and published in the Shanghai Courier, and to-day we give extracts from such portions of our own full translation as come within the bounds of the legitimate discussion and criticism of government measures and policy. Libelous portions of Ichiro's complaints, reflecting upon the conduct of officials, whose names are mentioned, connected with the administration, we omit. The charges may or may not be true, but as we have no means of knowing, we should not be justified in publishing them to the foreign world. Entertaining, as we do, no feelings of hostility toward the members of the government, our only object in printing so much of the memorandum as we do is because it has now become historical, and derives a deep interest and significance from the fact of its authors having sealed it with their blood. From one statement made it would seem that the conspirators had long brooded over their design, and that they had waited for a fitting opportunity to put it into execution. As to their motives, they appear to have been wholly political; and this elevates the great crime they committed beyond the vulgar region of ordinary murder. When we examine the several articles of impeachment, we find a good deal of invective, based upon well-known facts, and the case against the government very well reasoned. Some charges, however, have no foundation beyond the mere prejudices of the writer and his class, especially those relating to the alleged waste of money and extravagance on public works and buildings, the expenditure of which, mostly taking place in and about the metropolis, perpetually provokes provincial jealousy and envy.

The allegation that the government in its intercourse with foreigners loses sight of the national dignity, we regard as wholly undeserved. Remembering the inferior rank which Japan necessarily holds in the congress of nations in comparison with the great powers, it is rather an excess of self-assertion that it is fairly chargeable with than the reverse; Japanese diplomacy, like that of other countries, is occasionally constrained by imperious circumstances to follow a line of action which it cannot avoid.

Taking Shimadzu Ichiro's complaints in their entirety; allowing for their bitterness and passionate tone, for exaggeration, the vituperation which characterizes many passages, and for its personal malevolence in places—nevertheless, with all these drawbacks, it merits very serious attention, for the defects of government which it discloses, and the vicious policy and misdemeanors it condemns. If the sentiments avowed by Ichiro are those entertained by any considerable section of the *samurai* class, it behoves the administration to consider of its ways; to earnestly set about the task, too long delayed, of its own reformation, and to make timely concessions to those popular demands which a bureaucratic oligarchy are always loath to make. The existence of men driven to desperation, like Ichiro and his associates, partly by real and partly by fancied wrongs, is a perpetual menace to an administration which governs by force. The members of the government carry their lives in their hands, and not one of them can tell which of their number shall not prove to be the next victim of political resentment, which, denied other expression, finds it in the malignity of whispered hate, in the ruthless steel of the assassin, or in fratricidal civil war.

## "A TALE OF A TRAITOR'S ASSASSINATION.

"We, the undersigned, Shimada Ichiro, *shizoku* of Ishikawa *ken*, and five others, bow our faces in the dust, and, having resolved to die, we speak thus to His Majesty the Emperor, and to the thirty-five millions of our countrymen.

"After a careful consideration of the present condition of our country, we find that it is governed neither by the will of the Emperor nor by public opinion, but merely by the whim of a few government officers in high position. Men, placed in an elevated situation, honored with the confidence of His Majesty, and charged with the interests of the empire, should hold the welfare of the state superior to their own interests; they ought by their integrity, mercy, and justice to prove themselves worthy of the trust that has been placed in them. But this is far from being the case here. If we closely scrutinize the conduct of our present high officers, we shall find them caring only for their own affairs, and thinking lightly of their official duties; they do not allow the responsibilities of office to interfere with their rest and repose; and being cunning and greedy, they bring the sovereign into contempt and grind down the people. At last they have brought shame and humiliation to this country in such a degree as was never witnessed before, and they have done the people such injury as it will take thousands of years to heal. We shall now briefly state their principal crimes.

"*First crime.*—Their administration is despotic; they stifle the voice of public opinion and oppress the people.

"*Second crime.*—They confuse our law system by their arbitrary enactments; their constant aim is to serve their own interests and increase their wealth and power.

"*Third crime.*—They waste the revenues of the country on useless public works and superfluous public buildings.

"*Fourth crime.*—They dislike loyal and patriotic men, and by holding them in disgrace they cause domestic troubles.

"*Fifth crime.*—In their intercourse with foreigners they lose sight of the national dignity.

"The government of a country should have its support in public opinion, and a country is strong in proportion as its people are free.

"To stifle the voice of public opinion and oppress the people must end in the decline and fall of the country. Laws are the pillars of the country and the guide of the people; if they are passed and abolished in a disorderly and confused manner, the majesty of the law falls into contempt, and the minds of the people become bewildered. The revenues are the common property of the people, and are destined to meet the necessities of the country; if they are wasted it is the life-blood that is uselessly wrung from the people. The loyal and patriotic men are the soul of the country, and on them depends its rise or fall; if they are contemptuously thrust aside, the country must go to ruin. It is national dignity that makes our independence respected; if that dignity be lost, the country soon becomes lost. These five crimes have been the principal means by which the respect for the sovereign has been lowered and the people ground down, and these we have explained more fully in the subjoined inclosure. But, besides, hundreds of lesser and greater crimes have been committed, which it would be too tedious here to enumerate, nor is there any necessity for doing so, as the public are more or less aware of them.

"In consequence of these crimes of our \* \* \* officers, the whole country is in a troubled state, and the obnoxious conduct of these officers has become the general topic of conversation, even on the street corners, and the subject of many petitions, but these officers make no sign of mending their ways. On the contrary, their tyranny and deceit increases daily; one penal law is enacted after another; the writers for the public press are silenced and imprisoned; they drive every able and patriotic man in the country into open revolt; they deceive His Majesty; they administer the laws of the country in their own selfish interest; they play fast and loose with the penal laws; they treat the able and patriotic men as if they were so many rebels, and in some grave instances it is believed that they have even secretly plotted the murder of the patriots. And when such secret plots are laid bare, then they call the whole country to arms to protect them from the consequences of their misdeeds.

"As long as Saigo and Kirino were still alive, our \* \* \* officers stood in great dread of these men, and did not dare to commit such unjust and selfish acts as at present. But now Saigo and Kirino have gone, our \* \* \* officers think they have nothing to fear, and there is no restraint any longer upon their injustice and tyranny. Their domestic policy is to treat the country as if it were their plaything, and the people as if they were their slaves; their foreign policy is to cringe to the foreign powers, thus surrendering the dignity of the country. In this way the imperial dynasty must fall, the country go to ruin, and the people become miserable, and whenever I, Ichiro, consider this, my mind is sorely distressed.

"When, last year, the southwestern troubles arose, I, Ichiro, and my companions were fully aware that Saigo and his followers were not rebels, but that the secret plotting of the government officers was the cause of all the trouble, and that, if Saigo

and his friends were vanquished, there was no longer any hope for our country. We therefore intended to join them, and hoped thus to be able to punish our officers, but we missed our opportunity, and were prevented from carrying our intentions into effect. Afterwards we considered that, if our \* \* \* officers, being guilty of the crimes above mentioned, remain in office and continue to administer the affairs of our country, it is impossible to foretell what may become of Japan. On the other hand to kill these officers would revive the spirit of the patriots everywhere and arrest the decline of the country; it would at the same time as it threw injustice down in the dust raise the people out of its degradation. So we resolved to kill the traitors.

"Therefore we resolved to commence by killing the two principal men, Okubo Toshimitsu and Kido Takamitsu; Kido, however, suddenly fell ill and died. Heaven has punished him for his crimes, and has chosen me, Ichiro, and my companions, to kill the others, for it is the will of Heaven that both shall be punished.

"By the command of Heaven and the will of the people, I, Ichiro, and my companions now slay the arch-traitor Okubo Toshimitsu with our sharp swords.

"We, your servants, respectfully submit to your Majesty, and to our countrymen, that it is the unbearable state of our country which causes us to sacrifice our lives. When the country becomes governed by the sacred will of your Majesty, in accordance with public opinion, then Japan will again flourish.

"If is our fervent desire that the injurious effects of our officers' tyrannical administration may quickly disappear. If a national assembly be established according to the imperial promise made at the commencement of the restoration, and the imperial edict issued in April, 1875, and if the public opinion be thus consulted, then the imperial dynasty shall continue to reign in glory, the country shall last for ever, the people live in peace, and our desire shall have been accomplished.

"What will happen when we are no more? We shall never know; we bow to the will of Heaven. We have here exposed some of our views and the crimes of our officers, and we now submit to the judgment of your Majesty and our fellow-citizens.

"I, Ichiro, and my companions respectfully wrote the above in our intolerable grief."

The following is a circumstantial exposition of the five alleged crimes mentioned in the "Tale of a traitor's assassination," which was inclosed and forwarded at the same time to the Mikado:

*"First Crime.—Their administration is despotic, they stifle the voice of public opinion, and oppress the people.* Shortly after the restoration, an imperial edict was issued to the assembled lords, calling a general meeting, in which all public affairs would be decided in accordance with the wishes of the people. And the meeting was held, to which representatives were summoned from every *han*, who discussed in what way the public administration would most advantageously be conducted. At the same time the people had the right of petition, and thus public opinion had every opportunity of making itself heard and felt. But afterwards all this was changed; the hall of the general meeting was closed, and the *Sa-In* substituted for it, and again the *Sa-In* in its turn was closed and replaced by the *Genro-In*. During the time, however, as well of the general meeting as of the *Sa-In*, if any one presented a petition, his name and address were taken down in a book, and in course of time he was called and asked to explain his ideas, and if his petition was approved it was forwarded to the imperial government. In the contrary case, the petition was returned to him, and if it was only partly approved, it was retained for consideration. The petitioner was always duly informed of what had been done with his petition, and if he dissented from the opinions held by the members of the *Sa-In*, it was open to him to see them and discuss with them. In this manner there was a real right of petition. But under the present *Genro-In* things are managed quite differently. All petitions, whatever be their contents, whether they be reasonable or not, and whether they are approved or not, are received in dumb silence, and what afterwards becomes of them is a perfect mystery; they disappear as effectually and without leaving more traces behind them than a stone thrown into the water. This being the case, and nobody caring to speak or write to no purpose at all, scarcely anybody now ever presents a petition; and if any one does, his petition is quite unheeded, so that the right of petition has become an empty formality, without any real significance. The imperial edict ordering a deliberative meeting, in which all public affairs would be decided according to the wishes of the people, is thus entirely forgotten. Our overbearing government officers contend that in no European country is it the custom to discuss the contents of a petition with the petitioner, or to give him special notice whether his petition has been approved or not. Now, this is an argument only fit for those who blindly and without discretion wish to introduce the habits and customs of civilized countries into our country. The people in Europe enjoy political freedom, they have their share both in the legislature and the executive; consequently there is no hard and fast line drawn between the government and the people; the people and the government are in constant mutual communication; no tyranny or op-

pression can be practiced by the government on the people, because the latter are constantly discussing the merits or demerits of the administration and the laws in their public meetings. As for individual grievances, the freedom of speech is so unlimited that they are easily brought to the attention of the authorities. In Europe, therefore, there is no necessity for petition. But look at our people! They are not permitted to hold public meetings for the discussion of the rights or wrongs of the administration or the laws. They have no other way to bring their wants to the knowledge of the authorities than by handing in a petition. How can this state of things be compared with that of Europe? If our right of petition is to be ruled by the standard generally adopted in civilized countries, then let them commence by granting our people their freedom and their share in the executive and the legislature. But while they frame our right of petition on the pattern of civilized countries, why is it that they do not also adopt the right of freedom that obtains in civilized countries? Is it that these governing officers only desire to adopt what suits their own convenience, and leave alone what might be inconvenient to them? The manners and customs of civilized countries only serve them as a pretext for oppression. The imperial edict issued in April, 1875, proclaimed a 'constitutional monarchy,' and the officers notified the edict throughout the whole empire. Now, when we consider what in western countries is meant by 'constitutional monarchy,' we shall find that it invariably means a monarchy in which the people are admitted to a share in the three great political powers of state, the executive, the legislature, and the judicature, the legislature being in the hands of the national assembly. In this manner government in its three great ramifications is controlled by the people. Now, if our country had been truly made a constitutional monarchy, those three great political powers must at once have been kept separate from each other, and the legislature committed to the people. Since Soyeshima Taneomi, ex-Sangi, and others, had in the year 1873 forwarded their petition, in which they demanded a representative assembly, that question had become an important and all-absorbing one; some were in favor of a popular representation, while others pooh-pooed it. But times have progressed since, and at present there is scarcely any one who denies the beneficent effects of a representative assembly. The government, however, has not the courage to try it; is that the reason why our officers deny it to the people? Our officers, it is true, affirm that the degree of civilization to which our people have attained does not yet admit of a parliament. But the degree of civilization, to which our people have or have not attained, never made our \* \* \* officers hesitate for a moment in introducing all sorts of customs and habits belonging to civilized countries, and for that purpose change the form of our administration, the architecture of our houses, the building of our roads, or to import all kinds of foreign machinery. How comes it, then, that a parliament is the only foreign institution that does not suit our people?

"At the beginning of the restoration, the Emperor ordered a general deliberative assembly, and afterward an imperial edict was issued which proclaimed a 'constitutional monarchy.' This proves that it was His Majesty's will to establish a national assembly, and the people have now for years been in expectation of it, as eagerly as husbandmen after a long drought yearn for rain. Only our officers do not want it. Is it because it might be inconvenient to them?

"Again, at the beginning of the restoration, when our administrative system was reorganized, it was provided that the term of service for all government officers should be four years, and that they should be chosen and reappointed by public vote. Since that time our administrative system has often been recast, but no further mention has ever been made of a fixed limit for the term of office. Some departments and bureaus have been abolished and new ones substituted, but through all these changes certain high officers have managed to keep their rank and position, as if the same were hereditary in their families. What has then become of 'appointment by public vote'?

"We have already mentioned that these \* \* \* officers under an outward mask of uprightness conceal an utter selfishness; they deny the people their birthrights, and hinder them from openly stating their legitimate wants, and therefore, we repeat it, they stifle the voice of public opinion, oppress the people, and govern it in their own interest.

"*Second crime.*—*They confuse our law system by their arbitrary enactments; their constant aim is to serve their own interest and to increase their own wealth and influence.* Laws and regulations ordering what to do and prohibiting what not to do are now issued, accordingly as it suits the convenience of the government officers, without any regard to the wants of the people. The laws are, therefore, constantly altered. What was law in the morning ceases to be law in the evening. Thus the people become confused and are entrapped by severe and tyrannical laws. In some cases our officers, without due reflection, adopt the laws of western countries and want to subject our people to them; and if the people complain that these laws do not suit them, then our officers rebuke them and tell them that it is the duty of the people to obey, and that the law in such and such a foreign country is such and such. But our ignorant people do not know what their duty is, nor do they understand the laws of foreign countries, so they

become sullen and brood in silence over their wrongs, hating the officers, whose power they know it is useless for them to try to resist. Such is at present the state of most of the *ken*.

"In our Ishikawa *ken*, For instance, the officers are constantly grasping after more power, and their administration is arbitrary and for selfish ends. An old proverb says: 'Whatsoever the highest in the land are doing, the lowest in the land are sure to ape them,' and unless the central government were enacting rules and prohibitions in a loose and disorderly manner it would never have happened that every *ken* in the country was in such a state of confusion. The laws should be the means of upholding justice and of preventing both government and people from wrong-doing; but our officers administer the laws solely for their own private ends.

"An instance of this is the affair of the copper mines, and \* \* \* which caused a great stir among the public. Makimura Masanao was arrested by orders from the *Shiho-sho*, and again suddenly set at liberty by a special order. His arrest was evidently not ordered by His Majesty, but was an arbitrary act committed by our officers, and in consequence of such acts we now frequently see the officers of the department of justice compelled to resign. Ozaki Samro and Inouye Ki once brought an action against a newspaper editor, because he had written a certain article against Ozaki Ki and Inouye Samro. They pleaded that he had only transposed their names, and that his article was meant for them. And although there was no evidence at all that they were meant by the transposed names, and the charge rested solely upon guess and supposition, the judge nevertheless accepted their complaint and condemned the editor. After sentence had been passed, it came out that they were really meant by the transposed names, but when the case was tried before the judge there was no evidence of it at all. But if guess and supposition be sufficient to condemn a man, then it may happen that when a person has lost one of his fowls, and he sees another man eating fowl on the same day on which he lost his own, he may bring an action against that other person for having stolen his fowl. What would we say of a court which, in this instance, took the charge for proven without any further evidence? When the press laws were first issued many people were thrown into prison for having violated these laws, although they were quite ignorant of having committed any offense, but nevertheless the judges never failed to condemn them.

"We said already that our \* \* \* officers administer the laws of the country in their own interest, and not only does each and every one of them administer the laws in his own interest, but they assist each other and favor each other in that administration, and the one helps to cover up and conceal the \* \* \* of the other. Clique government has now become the rule, and extends even to the lower officers, who are either bound to the higher officers by the ties of relationship or depend upon them as far as their promotion or discharge is concerned. Even the merchants find it to their advantage to flatter and bribe the high officers. When officers meet together their conversation always turns upon Mr. So and So having got a place through the patronage of Mr. So and So. When merchants meet the talk is: 'If you apply to such and such a minister your petition will be granted'; or, 'If you address yourself to such and such a chief of department he will give you the desired permission'; or else, 'Such and such a minister has formed a company jointly with such and such persons,' and 'Such and such a vice-minister has established a manufactory in company with such and such persons.' In this manner one officer abets another in his nefarious proceedings, and officers and private individuals are mixed up together in lucrative bargains. These unpleasant things are openly talked about, and thus they reach our ears. We were, therefore, right when we said that our officers confuse our law system by their arbitrary enactments, and that their constant aim is to serve their own interest and to increase their wealth and power.

Third crime.—They waste the revenues of the country on useless public works and superfluous public buildings. It would appear that our officers at present have nothing so much at heart as to make roads and streets, erect new public buildings for the various government departments, and construct highly ornamental official residences, and they say of course that this is merely an adoption of the ways of civilized countries. But ornamental buildings are not civilization; civilization may be the force which, among other things, creates ornamental buildings, as the trunk and branches of a tree spring from its roots. If, then, we take good care of the root, the branches will take care of themselves and grow stouter and denser. Our officers, however, only care for the branches, not for the root; what they want are the ornamental buildings; the force that would spontaneously produce these they neglect. How came the countries in Europe to be possessed of venerable castles, excellent roads, splendid palaces, railways, telegraphs, gas, &c., &c., and other things from which the people derive comfort and advantage in their daily life? Each country had a succession of great men, who extended the boundaries and increased the power of his country, strengthened the army and made the people prosperous. But to arrive at such a state of perfection took centuries; and now here, a few years after the restoration, when everything is still in

a state of transition, our officers waste our revenue and turn everything topsy turvy in order to bring our country with one bound to the same state of perfection as civilized countries. Therefore we say that they waste the revenue on useless works and superfluous buildings.

*"Fourth crime.—They dislike the loyal and patriotic men, and by holding them in disgrace they cause domestic troubles.* In October, 1873, Saigo and four other *sangi* resigned office; the cabinet was broken up in consequence, a general excitement spread throughout the country, and one revolt raised its head after another. Searching for the cause, we find the question of the invasion of Corea to be at the bottom. Our \* \* \* officers refused to entertain the question, and the five *sangi* threw up office in disgust. Now, with regard to the invasion of Corea, if our officers, although they had their own opinion on the subject, really wished to act to the best for the country, why did they not consult the rest of the cabinet, and through a discussion try to arrive at an impartial decision?

"The reason why they did not do so was that their cause was a weak one. When the *Saga samurai* demanded that Corea should be invaded, they had no intention of taking up arms against the government, but the government became suspicious of their meetings and discussions, and ordered the *ken* officers to disperse them by armed force. This roused them into resistance, but who but the government provoked their resistance! The duty of the government is to rule the people gently, and not to provoke them and drive them into revolt.

"As for Mayebara Isel, it is likely enough that he struck the first blow, but his revolt was caused by the anger he felt at the intolerably overbearing conduct of our \* \* \* officers. The government ought to rule its subjects with equal justice and impartiality, but how is that possible when it feels suspicious and distrustful of its subjects? The revolts of both Yeto and Mayebara were caused by their anger and dissatisfaction, and are so far unjustifiable, but it was the misrule of the government that provoked their dissatisfaction and made them appear rebels. The true rebels against our country are our officers; they bring the sovereign into contempt, grind down the people, toy with the laws of the land, use them as instruments for their personal profit. Yeto and Mayebara did not rebel against His Majesty; their patriotism caused them to unfurl the standard of revolt. With what grace did our \* \* \* officers look down upon them as rebels, and put themselves forward as His Imperial Majesty's most worthy ministers?

"The Kagoshima affair last year was solely and entirely due to the secret machinations of our officers. Some insight into these machinations was obtained by the general public, but the whole truth was never fully revealed, and therefore we shall do so now. When Saigo, Kirino and the others resigned office, a general excitement seized the imperial guards, and under the pretense of illness everybody resigned and retired to his native province. Saigo and his friends tried to keep them quiet, and established the 'private school,' in which these men were taught military science. The obvious reason for this was that as our \* \* \* officers wasted their time in sloth and idleness, it would be difficult to defend the country if ever foreign troubles should arise. Therefore the pupils of the school wanted to prepare themselves to do their duty to their country, and their intentions went not any farther. But our officers were seized by an uncontrollable fear, and sent spies to examine and report upon the movement, \* \* \* secretly plotted the assassination of Saigo, Kirino, and Shinowara, as soon as an opportunity should present itself. The plot, however, was discovered, and then Saigo and his friends wanted to get at the bottom of it, and for that purpose to proceed to Tokio. But then the officers declared that the plot was only an invention of the 'private-school' party. This, however, cannot be, for if there were no plot, how came it to be confessed by the would-be assassins? Even if one or two of them might have been unable to stand the pains of torture, and consequently confessed himself guilty of what he was in reality innocent of, their tales must have differed. If they did not speak the truth, it is impossible that they could all tell the same tale. No torture could have had that effect. And even if the \* \* \* officers had not sent Nakahara and his followers as spies, and had not given them secret instructions, but Nakahara and his followers nevertheless confessed such things, although not true, can our \* \* \* officers honestly blame Saigo and his friends for putting themselves at the head of an army? Saigo and his friends acted as they did because they believed the confessions of Nakahara and his followers. To ascertain the truth, Nakahara and his followers ought to have been examined afresh. But this was not done, matters were left in darkness, and every effort was bent upon crushing the rebellion by main force. Our \* \* \* officers issued a proclamation that Saigo had violated the laws of his country and ought to be punished. They declared that the country was in danger, and Saigo's army exceedingly strong, and that there, therefore, was no time to make inquiries into the assassination charge.

"Now, the duty of a government is to rule with impartiality and justice, and if Saigo were guilty and had deserved punishment, his guilt ought to have been ascertained and proven before punishment was decreed against him. The government,



however, made no inquiry, because, forsooth, the country was in danger and Saigo at the head of a strong army. But how could the government, wielding as it did the entire military force of the empire, be in such dread of that small 'private school' party, that it had no time to inquire into the charge? If our officers had been truly desirous to do their duty, what could have prevented them? Any one of them might have procured an Imperial order, and taking some law-officers along with him, have set out to meet Saigo on his march. When then the Imperial order had been communicated to Saigo, and a thorough investigation had been made, and Nakahara and his followers had been proved guilty, then let them have been punished; if, on the other hand, the assassination plot proved to be a pure invention, and a mere pretext of Saigo and his friends, then let them be punished. If the government had acted in this just and impartial manner, and Saigo and his friends had not submitted, but still held aloft the standard of revolt, then they would indeed have become rebels and the enemies of the country, and the government would have been perfectly justified in putting them down by armed force, nor would there either now, nor afterward, have been raised a single voice throughout the empire to blame them. All this our officers knew perfectly well, but the thing is that their conscience was not clear. Therefore they deceived the Emperor, used the army for their own purpose, and drove Saigo and his friends into rebellion. Thus they managed to throw dust in the eyes of the people and to succeed in their treacherous scheme. Afraid of their power, nobody now dares to speak of these doings of theirs, but at some future time public opinion is sure to find a vent, and their names will be handed down to posterity blotted with a foul stain. The public blame Saigo and his friends for having set out at the head of an army, and say that as they violated the laws of their country, they were justly punished for their crimes. But this is a shallow judgment that does not look beyond the surface of things. As long as a government does its duty to the people and administers justice with impartiality, it is the duty of the people to obey and to keep peace. But if the government acts contrary to its duties, violates the laws and oppresses the innocent, then the government ceases to be a lawful government, and the people have a right to see that the laws are observed, and are not bound meekly to submit to oppression. When, therefore, Saigo and his friends wanted to proceed to Tokio for the purpose of inquiring into the circumstances of the secret plot, they were perfectly justified in doing so; and if the pupils of the 'private school' wished to accompany them for sake of protection, they also had a right to do so. From their desire to serve their country, the pupils of the 'private school' had been following Saigo's lead for years; in protecting Saigo they thought they protected their country. When the government, acting contrary to its duties, attempted to injure its subjects, then they took up arms and looked out for themselves. We do not mean to espouse the cause of Saigo, but ignorant as they are of the true main springs of men's actions, the general public are fond of passing their superficial judgments, like swallows and sparrows, that chirp and twitter when they behold the eagle soaring high above them. Therefore we have thought proper to give a plain statement of the facts.

"As already mentioned, these traitors have committed all sorts of unlawful acts, and brought about a general dissatisfaction, and we were right in charging them with keeping the loyal and patriotic men in disgrace and thus creating civil war.

"*Fifth crime.*—*In their intercourse with foreigners, they lose sight of the national dignity.* A number of years have already passed since the reign of the Bakufu, and during the whole of that time our country has been looked down upon by foreign powers; the injurious effects of this are becoming daily more manifest. The foreign powers are the strongest, and we have had to submit, and however repugnant to us, we feel it every day in our intercourse with foreigners. This ought now to be changed, and our foreign relations ought to be put on a footing in better harmony with the principles of international law. The obvious means for effecting this is a revision of the treaties; without such a revision the prestige of the nation can never be restored. But a revision presents very serious difficulties. And why? Because our military organization is not yet sufficiently strong to enable our country to cope with foreign powers. Our most important problem at present is therefore to strengthen our military system that we may be prepared to defend ourselves by force of arms. This, however, requires a vast outlay, and it is therefore absolutely necessary to practise the strictest economy in every other branch of the administration, and avoid all useless expenses. When therefore I, Ichiro, and my companions discuss our foreign relations, we confine ourselves to insisting on the urgency of a revision of the treaties; and as to the revision of treaties, we do not enter here into details, but we merely say that our military force ought to be increased and kept in perfect readiness, and that, as this would cost a large amount of money, all unnecessary expenses in other branches ought to be cut down.

"If now we examine how our \* \* \* officers manage this particular and all important task, we see them reposing in comfortable indifference, and wasting the public revenue on useless works and ornamental buildings, but no heed is taken of our military service, and expenses in the other branches are daily increasing. More than

ten years have now elapsed since the restoration, and nevertheless neither our fortifications, nor our navy, nor the armament of our army are in the proper state of perfection, although all these things are of paramount importance for the defense of our country. At this rate it is impossible to tell whether we shall ever be in a proper state of military preparation. Consequently we shall be unable to procure a revision of the treaties, although the treaties have expired long ago, and if the treaties remain unrevised year after year, our country must sink lower and lower and our people become more and more worried.

"What was the result of the Formosa expedition in 1874? We spent the lives of our youth and our treasure to no purpose whatever. We were hoodwinked by China, which paid over to us a small amount of money in return for the roads we had built on the island, while our government made our people believe that China had paid us a war-indemnity. Why does the government always deceive the people?

"Our present relations with Corea are mere humbug. From the times of the Emperors Chin-ai and Ojin (the fourteenth and sixteenth successors of Jimmu Tenno), Corea became a dependency of Japan and paid us tribute. The Coreans, however, took advantage of our intestine wars and ceased paying tribute; then Taiko-sama invaded Corea with a large force and subjugated it afresh. And now we have made a treaty with them on equal terms! We grieve for our Emperor, who is thus put on an equal foot with China's vassal. Was ever our country more bitterly defiled?

"As for the exchange of the island of Sagalien against the Kurile Islands, it was a deep humiliation for our country. It was called an exchange, but in real truth the island was taken from us. We ceded to Russia an important country, and we received from her some worthless islands. It was an exchange of a treasure against trash. We never wanted to make that exchange, but we were compelled to comply with the demands of Russia. Such was the conduct of the traitorous officers in China in olden times when the So dynasty was fast approaching its end; for the sake of inglorious peace they surrendered one province of the empire after another. Such an affront was never yet offered to our nation since it first became a people; now for the first time we have had to bear it, because our officers cause our present Emperor to act contrary to what his ancestors did. This is a great crime and ought assuredly to be punished.

"The Liukin Islands we have treated with injustice. The inhabitants petitioned our government and with some good reason. But our government, instead of entering into negotiations with China, and coming to a clear understanding with that country whether the islands belong to us or not, took advantage of the inferior strength of the islanders, compelled them to change the form of their government, and wounded their national feelings. Our officers, who are so much afraid of Russia, are exceedingly overbearing towards Liukin. O, ye traitors, did ye ever hear a story about the wolf? A wolf meets a tiger; directly he drops his tail, hangs his head and walks with timid steps. But let him face a fox or a badger; he swells with wrath, he snarls, his claws tear up the ground; he is every inch a mighty and ferocious beast. Our officers are exactly like the wolf.

"But in foreign relations the great point is not to possess brute force and in virtue of that oppress the weak and cringe to the strong: the great point is to have right and justice on your side. This, however, our officers have still to discover; arrogance and flattery are their only modes of dealing with foreign powers; for the sake of an inglorious peace they bring humiliation on our country and court contempt abroad. It was for this we said that they mismanage our foreign relations and lower the dignity of the country."

---

No. 315.

*Mr. Bingham to Mr. Evarts.*

No. 854.]

UNITED STATES LEGATION,  
*Tokai, Japan, September 12, 1878. (Received October 18.)*

SIR: His Majesty the Emperor of Japan set out upon a progress through the north of the empire on the 30th ultimo. It appears by a notice published in the Tokai Times of the 7th instant that His Majesty is received by formal ceremonies and popular demonstrations which indicate the affection of the people for their sovereign and their loyalty to His Majesty's Government. His Majesty visits the public schools on his route, thereby indicating a regard for the welfare of his people and a

belief that the safety of good government is not endangered by the general education of the governed.

Herewith I inclose the notice from the Tokei Times of His Majesty's progress.

I have, &c.,

JNO. A. BINGHAM.

[Inclosure in No. 854.]

### THE EMPEROR'S NORTHERN JOURNEY.

[From the Tokei Times of September 7, 1878.]

The northern journey of His Majesty the Emperor is marked by similar formal ceremonies and jubilant popular demonstrations to those which distinguished his progress last year.

His Majesty visits the schools, public offices, and temples on his route, is received with suitable honors, and usually leaves tokens of remembrance behind him. Thus far the Imperial party have had nothing but agreeable, though not especially stirring, experiences to encounter.

No. 316.

*Mr. Bingham to Mr. Evarts.*

No. 855.]

LEGATION OF THE UNITED STATES,  
*Tokei, Japan, September 12, 1878.* (Received October 18.)

SIR: On the 23d ultimo, I regret to say, there was a revolt among the Imperial troops in this capital, in which the second battalion of the artillery of the Imperial Guard was actively engaged, beginning the revolt near midnight by firing signal guns from their barracks and moving from their quarters into the streets, where they met resistance from the Imperial forces, and after some hours of flight and pursuit, and some skirmishing and loss of life, the insurgents surrendered.

It appears that by concert it had been agreed upon between this battalion and the artillery of the Tokei garrison that the latter should, upon the firing of the signal-guns, join in the uprising, but the war department having been secretly advised of the proposed revolt had on that day moved the garrison some few miles from Tokei, and thus prevented its co-operation in the conflict. Much has been said of this affair, and no doubt the reported disaffection among the troops in different parts of the empire has been greatly exaggerated.

I inclose for your information the comments of the Japan Herald upon the affair, together with the various notifications of his excellency the prime minister and the minister of war, &c., in relation to the revolt.

All is quiet now in the capital.

I have, &c.,

JNO. A. BINGHAM.

[Inclosure in No. 885.]

### REVOLT OF THE IMPERIAL GUARD.

[From the Japan Daily Herald, August 26, 1878.]

The revolt of the artillery of the Imperial Guard, which occurred on Friday night, in Tokei, may, we fear, be followed by other outbreaks, unless preventive or pacifying measures be taken in time by the government. The disaffection, it is certain, is not

confined to the regiment in Tokio, but is common to all the troops of the guard, most of whom are stationed at present in the south. The war-worn remnants of the picked soldiers of the empire are greatly dissatisfied about the real or supposed neglects they have suffered. If the grievance be well founded it is the more undeserved, as the brunt of the hard fighting against Saigo's trained marines and *samurai* fell upon the Imperial Guard, as the thinned ranks of the regiments and great numbers of wounded and crippled men testify. On the other hand, the officials of the government say the rewards were fixed by Ariungawa-no-Miya, the commander-in-chief, are on a fair and even liberal scale, and that even if some reasons for dissatisfaction existed, they were still open to remedy, and that revolt and killing of officers are military crimes for which there is no palliation. It seems probable that the government may have to disband the whole body of the unruly Prætorians, whose claim to regulate their largesses cannot be admitted. The guards, it seems, have been restive for some time, and their insubordination, if not checked, would be a constant danger to the state.

As far as we can learn, the other troops of the garrison and armed police are not affected. But there is much and open discontent in the provinces. We do not mean that a revolt or insurrection may be expected even in Tosa, but a concurrence of events, such as trouble with soldiery and the calamity of a short harvest (now, unhappily, imminent) may lead to evil events. Most of the provinces are, in the main, poor, and the burden of taxation now imposed is hard to bear, the later remission notwithstanding. As a rule, the native merchants and traders are poorer now than at any time during the last ten years; the farmer and peasant classes, who in the best of times earn a bare subsistence only, are trembling at the prospect of a failure or partial failure of the rice crop, and have no resources to meet the expected deficit; among the late privileged *shizoku* there is a deep resentment against the sharp practice of the government, and the increasing miseries and hopelessness of the unfortunates may induce some desperate enterprises on the part of these pauperized and suffering men. The members of the government, with few exceptions, are regarded by the country with disfavor and distrust. The *Daijin* are necessary personages to deal with the aristocratic families, and are believed to be, in point of personal honor, without reproach. But with the *sangi*, the adroit, clever, unscrupulous *karos*, who are now turning the empire to profit, the case is different, and the necessity of an organic change of ministry, if the government of the empire is to go on without shock or hinderance, is daily more and more manifest. The personal acts of the ministers are keenly discussed, and rarely with approval, and the more as at least one of the number took office with a reputation for probity not of the highest.

But while we are hopeful that in Japan honest and capable men could be found to administer the affairs of the state, the absence of a training for public life in this country is a serious hinderance to selection. There is reason to fear that provincial feelings are yet too strong, and would in many or most cases bar high officials from asserting a wholly national policy.

As may be readily understood, it is reported that the finances are in a bad way. The year will close with a deficit. The crops will be, at the best, deficient in quality and quantity, and as stores of food are low, an import of rice may be necessary. Deficit and the costs of outbreaks add to the increasing debt, which bears heavily on the empire. The government seems to be blind to this, and many think that there must be a crisis ere long.

---

All excitement has died away in Tokei, and the affair has almost ceased to be talked of. No thoroughfare is permitted, however, along the road from the Hanzô to the Takéhashi gate, just inside the moat in front of the British legation, alongside the Mikado's gardens. The sentries at the different public offices about town have fixed bayonets and cartouch-boxes slung round their shoulder.,

---

A native correspondent has sent us the following report on the military troubles in Tokei last Friday night:

On the night of the 23d inst., about half past eleven, the second battalion of the artillery of the imperial guard, which is quartered inside the Takebashi gate, set its barracks on fire, fired two signal guns, and then marched out, shouting and yelling. The reason why the signal guns were fired was that there was an understanding about the rising between the guard artillery and the artillery of the Tokei garrison which is quartered at Ichigai; but the war department, having discovered the plot, had ordered the garrison artillery to be reviewed at Oji on that very night. In this manner the garrison artillery was prevented from joining in the mutiny. It is said that it was originally intended to postpone the mutiny until His Majesty's progress north; but it

was objected that most of the ministers would then be absent, and the mutineers would then have no chance of gratifying the grudge which they bore to some of them.

As the infantry did not join the artillery, the latter fired upon the former; this firing was returned and a fight ensued. The war department, however, was not unprepared for the mutiny; it had received information beforehand of what was brewing, and as soon as the disorder broke out, the alarm was given to the public and the police by firing five guns at the imperial palace. Immediately, every gate leading from the *Shiro*, such as Takebashi, Kijibashi, Kandabashi, Kajibashi, &c., was occupied by the guards, whilst the police received arms at the head station, and were sent to protect the imperial palace and the residences of the *Daijin* and the *Sangi*. Some of the mutinous artillerymen had, however, already made their exit; one party went through the Hanzo gate with the intention of laying their grievances before His Majesty; another party marched out through the Takebashi gate, and attacked the residence of the minister of finance, which was riddled with bullets. His excellency Mr. Okuma, however, managed to escape unhurt, but the bullets were flying as far as Nishiki-cho and Ogawamachi, to the great terror of the inhabitants, who fled in all directions, and one poor woman is said to have been killed near Suido-bashi by a stray shot. Major Utsunomiya and Captain Fukasawa of the artillery were killed by their own men while endeavoring to restrain the revolt, and several lieutenants and non-commissioned officers of the loyal troops were killed during the fight.

When the artillerymen, who had proceeded to the imperial palace, arrived before the gate at Akasaka, they drew up in a line and were hailed by the officer on guard, to whom they replied that they came to present a petition. On his asking them why they did not present it through their commander, they answered him that they had killed their major and captain. The officer on guard then called out the troops and ranged them opposite the artillerymen, and when he thought he had a sufficient force under his command, he ordered the artillerymen to lay down their arms on the spot. This was complied with and the artillerymen were all arrested. A similar fate soon overtook those who had attacked the finance minister's residence. They were surrounded on all sides by troops and armed policemen, and they seem to have had no further settled plan, so they surrendered without even trying to resist.

The cause of this revolt is said to be the dissatisfaction felt by that regiment of artillery at what was considered by them the partial distribution of rewards to those who had fought the Satsuma rebels. The fire at the barracks was got under about 1 a.m. on the 24th, and all the rioters were either captured or surrendered themselves. Before daybreak on the 24th quiet was fully restored. But it is said that some weeks ago there was, from similar causes, a mutinous spirit among the infantry, which the officers, however, succeeded in quieting before it came to an outbreak.

---

We learn from another source as follows: It has for some days past been known that great dissatisfaction prevailed amongst certain of the troops in Tokyo, more especially amongst the guards known as the *Konoye-tai*. No outbreak, such as that which had taken place was, however, expected until Friday morning, when the government became aware of the impending trouble—it is said through somebody having overheard the remarks of two soldiers who were conversing in a public place. Measures were at once taken to make head against the affair, without forcing an immediate outbreak. The Tokyo garrison artillery, which were known to be parties to the plot, were sent out that same afternoon to Oji to drill, whilst, in the case of another body of troops, the whole of the non-commissioned officers, who were suspected of being in league with the privates, were at once replaced by loyal officers from other corps, and thus a check was put upon the dissatisfied privates. It was understood that it was the intention of the malcontents to murder all the ministers with the exception of Ito and Saigo, whose persons, however, were to be secured. Of course, the members of the government were at once warned, and they were all, it is said, at the time of the outbreak, safely ensconced, though in anxious expectation, within the walls of the palace. When the *Konoye-tai*, who were probably ignorant of their secret having transpired and the precautions taken, gave the signal for the outbreak by killing their commanding officer and setting fire to their barracks, they found that they were alone, and being but few in number, they were soon overpowered by the other troops and police.

That something more than a mere riot was intended is proved by the fact that the first act of the *Konoye-tai* was to fire volleys against H. E. Okuma's house, proofs of which are still apparent, the garden fence being pierced with scores of bullet-holes, and some bullets have even entered the house and damaged carpets, furniture, &c. Fortunately, Mr. Okuma, having been, as above stated, informed of the impending danger, had that morning removed his family to a safe place, and nobody was in the house at the time of the outbreak.

(From the *Chōya Shimbun* of August 25, 1878.)

The following notification was issued yesterday, the 24th instant, by the prime minister :

"It is hereby notified that, pending the measures for tracing and determining the affair of the riot of the artillery of the guard within the Také-bashi, no persons are to be permitted to pass through the said gates."

On the same day the following notice was published by the *Chiji* of the Tokel Fu :

"It is hereby made known that the signal-guns fired a short while ago from the imperial residence were to give special warning in consequence of there being some soldiery who had proceeded to acts of violence within the barracks of the artillery of the guard. The rioters, however, having been captured or given themselves up, have been completely quelled, and the whole of the inhabitants of the various districts (in the Tokel Fu) may be easy in mind."

From an extra published by the *Nichi Nichi Shimbun* on the 25th August.

The following notification has been issued by the *Daijokwan* :

"To every *Sho*, *In*, *Shi*, and Tokel-fu :

"The subjoined report from the minister of war on the recent mutiny among the artillery of the imperial guard is hereby brought to public knowledge.

"The 24th August, 1878.

"SANJO SANEYOSHI,

"*Daijo Daijin*.

"To His Excellency SANJO SANEYOSHI,

"*Daijo Daijin* :

"The 23d August, 1878.

"To-night, at eleven o'clock, some artillerymen of the imperial guard mutinied, partially destroyed their barracks, and fired some shots. They were, however, soon overpowered; most of those who had marched out were arrested, and quiet was restored. The cause of this mutiny has not yet been ascertained, but will now be inquired into. The mutineers were all rank and file; not a single non-commissioned officer was implicated. I have hastened to forward this report.

"YAMAGATA ARITOMO,

"*Minister of War*."

The war department has issued the following :

"NOTIFICATION.

"To every *Fu* and *Ken* :

"It is hereby notified that some artillerymen of the imperial guard rose in mutiny, partially destroyed their barracks, and fired some shots, but they were quickly overpowered, most of those who had marched out were arrested, and quiet was restored.

"YAMAGATA ARITOMO,

"*Minister of War*.

"The 24th August, 1878."

No. 317.

*Mr. Bingham to Mr. Evarts.*

No. 857.]

LEGATION OF THE UNITED STATES,  
*Tokel, Japan, September 12, 1878. (Received October 18.)*

SIR: Referring to my several dispatches in relation to the assassination of his excellency Mr. Okubo, I now inclose a translation from the *Nichi Nichi Shimbun*, by which it appears that, on the 27th of July last, the parties accused of the assassination were, after trial, brought into court and sentenced, six of them to death, four of them to imprisonment for life, and twelve of them for a term of years. The six chief conspirators who committed the atrocious crime were, on that day, at 11.30 a. m., decapitated.

I have, &c.,

JNO. A. BINGHAM.

Digitized by Google

[Inclosure in No. 857.—Translation.]

## BEHEADING OF THE ASSASSINS OF OKUBO.

At about 10 a. m. on the 27th instant, Mr. Okubo's six murderers, Shimada, Cho, Sugimoto, Sugimura, Asai, and Wakita, were brought up before the special court in the *shikocho* from the police prison, and Tamano *hang*i passed sentence upon them. They were then tied with ropes and taken to the Ichigaya prison, where they were beheaded at 11.30 a. m. Among their accomplices, four were condemned to imprisonment for life; three, to ten years'; three, to seven years'; three, to five years'; one to one year, and two to one hundred days' imprisonment; one was pardoned, and four, two of whom were women, were acquitted. Shimada and his five associates recited each some verses of poetry immediately before their execution. The sentences ran as follows:

"To Shimada Itchiro, *shizoku* of Ishikawa *ken* :

"You had arbitrarily decided to remove an officer of the state, who occupied an eminent position; for that purpose you conspired with Cho, Sugimoto, Asai, and others, you associated yourself with Wakita and Sugimura, and then you, Cho, and four others just mentioned, assassinated Okubo, *sangi*, at Kioimachi, Tokio, on the 14th May, 1878. For this crime you are hereby degraded from your rank as *shizoku*, and condemned to death."

(The sentences of the five others are, *mutatis mutandis*, identical).

"To Matsuda Katsuyuki, *shizoku* of Ishikawa *ken* :

"You conspired with Wakita and others to assassinate Okubo, *sangi*, for the purpose of changing the constitution of this empire, and with that object you came to Tokio. You returned to your *ken* to enlist more conspirators, but when you came back again to Tokio, Wakita and others had already perpetrated the murder. Although you were not present at the assassination, your criminal intention was manifest, and you are now degraded from your rank as *shizoku*, and condemned to imprisonment for lifetime."

---

No. 318.

*Mr. Bingham to Mr. Ecarts.*

No. 858.]

LEGATION OF THE UNITED STATES,  
*Tokai, Japan, September 13, 1878. (Received October 18.)*

SIR: Referring further to my dispatch No. 796, in relation to the assassination of his excellency Mr. Okubo, it gives me pleasure to note that on the hundredth day after the death of that faithful minister it pleased the imperial household of His Majesty the Emperor to present to the family of the deceased 30,000 yen, as appears by a notice published in the *Nichi Nichi Shimbun*, a paper issued in this capital. I inclose a translation of the notice.

According to custom in Japan, the hundredth day after the death of a friend is often observed in memory of the deceased.

I have, &c.,

JNO. A. BINGHAM.

---

[Inclosure in No. 858.]

[Translation from the *Nichi Nichi Shimbun*, August 31, 1878.]

The 21st instant (August) being the hundredth day since the assassination of the late Udaïjin (junior prime minister, posthumous title given to Mr. Okubo), Mr. Okubo, his family were presented with a gift of 30,000 yen from the imperial household department.

No. 319.

*Mr. Bingham to Mr. Evarts.*

No. 859.]

LEGATION OF THE UNITED STATES,  
*Tokai, Japan, September 13, 1878. (Received October 18.)*

SIR: On the 11th instant I received from his excellency Mr. Mori, the vice-minister for foreign affairs, a note in which he informs me that the foreign office has received from the proper authorities a statement that in addition to the arrest of two of the parties who entered the house of Mr. Ap Jones and Mr. Russell, citizens of the United States, and inflicted severe sword wounds upon them (of which I acquainted you in my No. 843), the third party has also been arrested, and is now held, with his two confederates, for trial and punishment. The names of the three criminals, as given by Mr. Mori, are Fujisake Keijiro, Fujisaki Shimei, and Ozawa Kiuzo. The last named has made confession of the crime. There can be no doubt that swift punishment will be inflicted upon these guilty parties.

It affords me pleasure to say that every attention is given by the Japanese officials to Mr. Ap Jones and Mr. Russell, and that they are both rapidly recovering from their wounds.

I have, &amp;c.,

JNO. A. BINGHAM.

No. 320.

*Mr. Bingham to Mr. Evarts.*

No. 863.]

LEGATION OF THE UNITED STATES,  
*Tokai, Japan, September 16, 1878. (Received October 18.)*

SIR: I have the honor to inclose herewith, for your information, the report of the Japanese minister of finance of the estimated revenues and expenditures of His Imperial Japanese Majesty's Government for the fiscal year commencing July 1, 1878, and ending June 30, 1879.

The report shows the present liabilities of the government to be 375,000,000 yen, and proposes to provide for a reduction thereof of 20,000,000 yen per annum and its full payment in twenty-eight years.

The revenues for the current fiscal year are estimated at 53,275,900 yen, and the expenditure thereof at a like amount.

Of the estimated revenue for the year 40,373,935 yen is to be derived from land tax alone, while but 1,070,684 yen is estimated from imposts upon imports for the year.

And this system of raising more than three-fourths of the national revenue by a tax on the lands of the producers of the nation's bread is the necessary result of the existing commercial restrictions imposed by treaties upon this empire and to perpetuate which is the manifest purpose, in my opinion, of some of the European states. It is to the honor of the United States of America that its government, under your just and enlightened action, has declared its readiness to lift from the oppressed people of Japan this burden, too grievous longer to be borne.

I have, &amp;c.,

JNO. A. BINGHAM.

33 F R



[Inclosure in No. 863.]

## REPORT OF THE MINISTER OF FINANCE.

[From the Tokio Times, September 14, 1878.]

NOTIFICATION NO. 35.

*To Kuwan, In, Sho, Shi, Fu, Ken :*

It is hereby notified that the following tables of revenues and expenditures for the year between July of the 11th and June of the 12th of Meiji, inclusive, have been presented by Okuma Shigenobu, minister of finance.

SANJO SANEYOSHI,  
*Daijo Dai jin.*

SEPTEMBER 4TH, 11th year of Meiji.

The tables of the estimated revenues and expenditures for the year between July of the 11th and June of the 12th of Meiji have been prepared. I now respectfully present them to your excellency. I must premise that this statement, when compared with that of the previous year, will show in some respects an increase, and in others a decrease, on the sides both of income and expenditure. The causes of the various differences will be explained in detail in the introduction; but I will here briefly refer to some of the more important of them. The insurrection which occurred in the southwest last year had a considerable effect upon the then future financial condition of the country. The items of repayment of the national debt; annuities for meritorious services; favored allowances to soldiers, and police and other expenditures, have greatly increased. In other branches of the public service extra disbursements have been necessary; but, on the other hand, the ordinary expenses of the Dai jo Kwan and other departments, namely, In, Sho, Shi, and Kioku, have been reduced. Owing to the outlay entailed in the suppression of the rebellion and the consequent debts incurred by the government, the issue of pension bonds to Kuwa-shi-zoku, and loans raised for the assistance of various industries, the national liabilities now amount to more than 375,000,000 yen; and the plan of repayment previously devised cannot be carried into effect. Now I submit my views for the establishment of a new system, whereby I propose to devote the sum of 20,000,000 yen a year to the purpose of liquidating the government indebtedness, which will be cleared off in twenty-eight years from the present time. The amount of the debt being so great, the annual appropriation, covering, I grant, more than one-third of the yearly revenue, cannot be expected to be of trifling amount. And, in order to allow this system to be worked out to its successful termination, we have but to be careful, to practice economy in our expenditures, and to avoid exceeding the sums here calculated upon as available. For, if such excess should be permitted, it is easy to see that the credit of the government with the people would be destroyed, and then the distress which must follow on a great financial calamity would be so great that its results can hardly be predicted. The reason why I, Shigenobu, strenuously insist upon this point here is that I esteem it as most important; and I beg that your excellency also will vouchsafe to accord to it your illustrious consideration.

OKUMA SHIGENOBU,  
*Minister of Finance.*

To his excellency SANJO SANEYOSHI,  
*Daijo Dai jin.*  
JUNE 29th, 11th year of Meiji.

No. 321.

*Mr. Bingham to Mr. Evarts.*

No. 873.]

UNITED STATES LEGATION,  
*Токеи, Japan, October 7, 1878. (Received November 7.)*

SIR: On the 31st of July last, his excellency Mr. Terashima, the Japanese minister for foreign affairs, addressed a communication to me (a copy of which is herewith), wherein he informed me of a violation of His Imperial Majesty's railway regulations, on the 24th of March last, by Mr. Frank Gasper, a citizen of the United States; that said offense or trespass was committed within the Hiogo (Kobe) consulate, and that the

offender forcibly and unlawfully entered the railway close of this government on that day, and without having obtained a ticket, leaped through a window into the railway car when the train was moving, and remained therein until the train reached Kioto, a distance of 60 miles, without having paid fare as required by the law of the empire. His excellency also stated in his communication that complaint was duly made to Mr. Benson, in charge of the Kobe consulate, by the agent of the government, Mr. Page, and that Mr. Benson in reply forwarded a letter of apology from Gasper, and added thereto that "As the act complained of was not of an aggravated character," \* \* \* he could see no good reason why Mr. Gasper's apology should not be accepted. Mr. Page replied, giving good reasons why the apology could not be accepted, and therefore requested again that the acting United States consul should entertain the complaint and proceed against Gasper. The minister says the acting consul refused to proceed, and added that he could not "understand how the United States consul can refuse to issue summons against the offender," &c., and therefore requested me to give "instructions to the consul to the end that the case be properly heard," &c. This communication by the minister reached me on the 10th of August, during my sojourn in the mountains, and I immediately addressed a note of that date to his excellency Mr. Terashima and also to Mr. Benson (copies of which are inclosed), in which I acquainted him of the complaint of this government and declared the act of Gasper an inexcusable violation of the railway regulations, and also instructed him to have the agent of the government, Mr. Page, verify the complaint, and to issue process against Gasper and judicially try the same. This Mr. Benson neglected to do, but on the 19th of August acknowledged the receipt of my instruction of the 10th of August, and requested that I "would be good enough to inform him where, in American law, he would find authority for the punishment of a citizen of the United States for such an act as that charged against Gasper," and repeated his request on the 29th of August. These requests not having reached me until the 1st of September, on the 4th ultimo I replied to both of the last-named notes of Mr. Benson, referring him to consular regulation 424, and to sections 4086, 4087, 4088 of United States Revised Statutes, for authority to proceed against Gasper, and suggested to him that the complaint be made in the form of civil action for trespass, and that he should have Mr. Page verify the complaint, as required by the court regulations, informing him that the law implies damage for every unlawful trespass committed with force against property, &c.

On the 6th of September Mr. Benson informed me that Gasper had left Japan by reason of ill health, and on the 21st September he informed me that he had acquainted Mr. Page, the agent, that according to my instructions the civil action could be proceeded with though Mr. Gasper had departed the empire. (See Consular Court Regulations, p. 3, sec. 13.) On the 20th September Mr. Benson again addressed a note to me, in which, to my surprise, he stated that as a civil action in trespass was the only form of action which could be brought in the case, according to my instruction, he would place the matter in my hands, inclosing copies of a correspondence with Mr. Page. Upon the receipt of this dispatch from Mr. Benson, on the 3d instant I addressed to him a dispatch (a copy of which is herewith), requesting him to respectfully inform Mr. Page that our court regulations and laws must govern in all proceedings criminal and civil in the United States consular courts, and also reminding him that in my No. 571, dated May 29, 1878, I had transmitted to him a copy of the railway regulations and had therein instructed him that

they were obligatory upon American citizens in Japan, the same having been promulgated before the commission by Gasper of the alleged trespass or misdemeanor, and in my said dispatch of the 3d instant I also stated that I was not aware that I had given him any instruction to the effect that the civil action in trespass was the only form of action upon which he could judicially proceed against Gasper, but that I had suggested a civil action in the premises because I supposed it would be satisfactory to this government, inasmuch as any damages adjudged therein against Gasper would be payable to the Japanese Government and would also enable the consul to proceed even if Gasper had departed the empire. The chief importance which attaches to this case is that I think it essential that all our consuls in Japan, the consul-general included, should be required in all cases wherein this government complains of violations of law by American citizens to its injury to proceed without delay and to proceed at once under my direction, in accordance with personal instructions, article 18, and consular regulation 43.

I trust that the instructions given by me to Mr. Benson may accord with your judgment and meet your approval, and especially my instruction to him that a forcible and unlawful entry into the close of this government, as charged against and confessed by Gasper, is not only a trespass, for which a civil action will lie, but also a misdemeanor, for which he may be held to answer criminally if found within the jurisdiction of the United States consulate in which the offense was committed, inasmuch as the act charged was committed by force and was also committed in violation of the public law of this empire.

I have, &c.,

JNO. A. BINGHAM.

[Inclosure 1 in No. 873.—Translation.]

*Mr. Terashima to Mr. Bingham.*

FOREIGN OFFICE, TOKIO,

*The 31st of the 7th month, the 11th year Meiji.*

SIR: I have the honor to inform your excellency that on the 24th of the third month last, as the train was moving from the railway station at Sannomeya, within the jurisdiction of the Hiogo Ken, Mr. Frank Gasper, a citizen of the United States and resident of the port of Kobe, was observed to rush up to the wicket-gate for the entrance of passengers, which was then already shut, and unfasten it by forcibly removing the wooden bar, cross the metals, jump upon the steps of a second-class carriage on the off side, and enter it through one of the windows; and moreover, that he had not obtained a ticket, and only paid the fare when he arrived at Kioto.

This act of Mr. Gasper being an infraction of the regulations relating to the railways of this empire, Mr. Walter F. Page, agent of the railway bureau, brought the matter before the United States consul at Kobe, who in reply forwarded to Mr. Page Mr. Gasper's letter of apology; and also wrote a letter setting forth that such an occurrence on his part should not happen again, and that as the act complained of was not of an aggravated character and as no person or property suffered therefrom he could see no good reason why Mr. Gasper's apology should not be accepted.

The statements of his apology referred to were to the effect that he was not aware that he was violating any railway regulations by entering through one of the windows of a second-class carriage while the train was in motion, but that he was anxious to catch the train as the delay of an hour and a half would have been a serious inconvenience.

He further stated that he regretted that by an act of thoughtlessness he had given the railway authorities cause of complaint, and that he would not be found committing such offense again, and that with this apology he requested withdrawal of the formal complaint made to the United States consul.

Mr. Page again wrote to the United States consul to the following effect: That while expressing his sincere thanks for the trouble which the United States consul had so kindly taken to induce Mr. Gasper to offer an apology for his conduct, he very much regretted to say his instructions would not admit of his accepting the same. There-

was a time when such an apology might have been received, but Mr. Gasper having emphatically refused to offer it then, or to admit that he had been guilty of any irregularity whatever, Mr. Page had no authority at the present time to stay proceedings against him, and therefore respectfully begged the consul to be so good as to hear the charge.

To this letter, however, the United States consul only replied by stating that he could see no reason to change the views expressed in his previous communication addressed to Mr. Page, and no further step has been taken by the consul to issue summons against the offender and hear the charge, and therefore the matter has finally been referred to me by the proper authorities.

I beg now to say that I cannot understand how the United States consul can refuse to issue summons against this offender and hear the charges preferred against him, while there is undoubted proof of his having violated the railway regulations, and I therefore request that necessary instructions be given to the United States consul to the end that the case be properly heard and adjudicated without delay.

I avail myself of this occasion to renew to your excellency the assurance of my highest consideration.

TERASHIMA MUNENORI,

*His Imperial Japanese Majesty's Minister for Foreign Affairs.*

His Excellency JOHN A. BINGHAM,  
*Envoy Extraordinary and Minister Plenipotentiary  
of the United States of America.*

---

[Inclosure 2 in No. 873.]

*Mr. Bingham to Mr. Terashima.*

UNITED STATES LEGATION,  
*Tokai, August 10, 1878.*

SIR: I am in receipt of your excellency's note of date the 13th ultimo, in relation to the complaint against Mr. Frank Gasper, a citizen of the United States, and have the honor to acquaint your excellency that I have requested Mr. Benson, the acting United States consul, to take the oath of Mr. Page to his complaint, and to issue process against Mr. Gasper, and try the complaint according to law.

I trust that proper and prompt action will be had.

I have the honor to be, sir, your obedient servant,

JNO. A. BINGHAM.

His Excellency TERASHIMA MUNENORI, &c., &c., &c.

---

[Inclosure 3 in No. 873.]

*Mr. Bingham to Mr. Benson.*

UNITED STATES LEGATION,  
*Tokai, August 10, 1878.*

SIR: I am informed by the foreign office of His Majesty the Emperor of Japan that in March last one Frank Gasper, an American citizen, was guilty of a rude and inexcusable violation of His Majesty's railway regulations at Sanomeya, within the jurisdiction of the Hiogo United States consulate; that due complaint has been made before you in the premises by Mr. Page, the Japanese agent of the railway bureau, and that you have declined to bring Gasper into court to answer for the trespass, transmitting his apology to the effect that he was not aware that he was violating law by entering a car through a window when the train was in motion, and that he would not commit such offense again.

As our treaty obligations and our statute law require that for all offenses committed by citizens of the United States in Japan against Japanese, such offenders shall be tried in the United States consular court, and upon conviction shall be punished in accordance with American law, and as His Majesty's Government insists that process shall be issued against Mr. Gasper, and that he shall be held to answer for the unlawful trespass so committed, I trust that you will have Mr. Page verify his complaint, as required by the consular court regulations, issue process against Mr. Gasper, and judicially try and determine the same.

It is the declared policy of our government to observe all its treaty obligations with Japan, and require a like observance of its treaty obligations by the Japanese Government in all cases of complaint by our citizens.

You will please advise me of the action you may take in the matter upon the receipt of this.

I am, sir, your obedient servant,

JNO. A. BINGHAM.

E. S. BENSON, Esq.,

*United States Vice-Consul, Hiogo and Osaka.*

[Inclosure 4 in No. 873.]

*Mr. Bingham to Mr. Benson.*

UNITED STATES LEGATION,  
*Tokai, Japan, October 3, 1878.*

SIR: Your No. 211, of date the 28th ultimo, in relation to the complaint of Mr. Page against Mr. Gasper, is received together with inclosures.

Mr. Page should be respectfully informed by you that our laws and regulations must govern all proceedings, criminal and civil, in the United States consular courts in Japan, and that no action, criminal or civil, can be brought therein until a complaint in writing is therein made and duly affirmed or sworn to by the complaining party.

In my No. 571 I inclosed to you a copy of the railway regulations and instructed you that they were obligatory upon American citizens in Japan. If, as I suppose they do, these regulations prohibit unauthorized persons from opening the railway inclosure and from entering the cars through the windows without a ticket or special authority to do so, the person so offending is guilty of a trespass and a misdemeanor, for which, if an American citizen, he is liable both in a civil and criminal action in our consular courts in Japan under the laws of the United States and our treaties with this government.

The act charged against Gasper was a misdemeanor, as it was an act committed in violation of a public law of this empire, which, as I had already instructed you, was obligatory upon American citizens in Japan.

I note your remark in your No. 211, that a civil action is by my instructions to you the only form of action which you "can judicially act upon," and have to say that I am not aware that I gave you any such instruction, but I did say to you in my Nos. 610, 612, and 625, to proceed against Gasper in a civil action for his unlawful trespass, and that the judgment therein should be according to the aggravation of his offense against the law. I supposed this action would be satisfactory to the Japanese Government, as it would assure to it the money that might be exacted of Gasper, and also enable you, though Gasper had departed from Japan, as you informed me, to proceed on such complaint for trespass by publication of summons as provided in court regulation 13, page 3 of Consular Court Regulations. As you state in your letter to Mr. Page, No. 210, of date September 27, that "Gasper has committed no crime, offense, or misdemeanor, he cannot be tried, convicted, or punished," you are requested to furnish me a copy of article 5 of the railway regulations, and also to state whether such railway regulations do not in that or some other provision thereof forbid and prohibit such acts as were charged against and confessed by Gasper, as you have reported to me.

As I have before advised you, our government intends to respect all its treaty obligations with Japan, and to punish as therein required all offenses committed against Japanese or against Japanese law by Americans in this empire.

I am, sir, your obedient servant,

JNO. A. BINGHAM.

E. S. BENSON, Esq.,

*United States Consul, Kobe.*

No. 322.

*Mr. Van Buren to Mr. Seward.*

[No. 324.]

UNITED STATES CONSULATE-GENERAL,  
*Kanagawa, Japan, October 9, 1878. (Received November 7.)*

SIR: In the year 1875, a correspondence took place between the United States minister in Japan and myself on the subject of the deportation of an American from Japan according to the provisions of Article VII of the treaty between the United States and Japan; which

correspondence, together with a dispatch from Mr. Bingham upon the subject to the Department, was published in the Foreign Relations of that year, Part II.

With Mr. Bingham's dispatch to me he inclosed a copy of Department instructions, No. 193, of date 16th April 1873, in the case of John Rogers convicted of crime, and deported by Consul Shepard, in which the Department approves of the action of the consul.

It seems, however, that explanations were asked by the Department, of Mr. Shepard, as to the authority under which he sent certain other citizens out of the country.

These other citizens, it appears, were discharged destitute seamen who were sent to the United States in accordance with law, and this simple explanation settled the matter.

It will be perceived that Mr. Bingham expresses his opinion that this instruction intended to convey the judgment of the Department "that no authority was given by law to consuls" to deport a convict. I do not so understand the instructions.

The judgment and sentence of the consul in the case of Rogers, referred to, was as follows: "Of the crime charged, the court finds the prisoner guilty, and the sentence is, that he be imprisoned for one year, and that he forfeit his right of residence in Japan."

Concerning this the Department says that the consul did not "transcend his power," and again, that "the judgment and sentence appear to have been authorized by law." This seems to me to be a full and unqualified approval.

I find, also, from the records of this consulate-general that on the 26th of November, 1870, Mr. De Long, then United States minister in Japan, advised Mr. Consul Lyon that he was in receipt of instructions from the Department, that he (the consul) "could not legally render judgments of deportation; that his proper course to pursue in such cases, when the Japanese claim to have a citizen of the United States deported on account of his having been convicted of a felony or twice convicted of misdemeanors, was to notify such person of the demand, and inform him that he will be allowed a certain length of time in which to make his necessary preparations, specifying such length of time that you deem reasonable under the circumstances not to exceed one year, and further informing him that at the expiration of such allotted period, if he shall still remain in this empire, that he will not be accorded any protection by the American authorities here; and of such action on your part at once inform the Japanese authorities and the United States legation."

No copy of this instruction of the Department was apparently ever furnished and is not on file here, but I beg you to observe, if its contents are correctly quoted in Minister De Long's dispatch, as above, it materially differs from that furnished in the case of Rogers first alluded to.

Another similar case has lately arisen within my jurisdiction in which one Thomas Glass, an American citizen, residing in Yokohama, of notoriously bad character, having been frequently complained of, and three times convicted in my court of misdemeanors, was handed over by me to the Japanese authorities "to be dealt with according to Article VII of the treaty of 1860."

This "handing over" consisted in a notification by me to the Japanese *ken rei*, or governor of this district, of the prisoner's several convictions and his bad character, and of his (the governor's) liberty to deal with him according to the treaty.

In reply, the governor, about twenty days afterwards, informed me

that he had required Glass to leave the country, and requested me to fix the time of his leaving and to make the necessary preparations.

After an interview with Glass on the 1st instant, I fixed the limit of time at the 10th instant, he saying it was more than ample, as he had made arrangements to leave on the 2d instant. He did so leave on the 2d for Shanghai, China, providing for his own passage.

On the same date, the 1st instant, I received a dispatch from Mr. Bingham, stating that he had noticed a report of the case in one of the local newspapers here and desiring me to send him a full history of it.

As my action was judicial, I entertain serious doubts of the authority of Mr. Bingham to demand an explanation from me, but, in order to avoid controversy, I furnished him with a statement *in extenso*.

I now ask for the judgment of the Department as to my action, and its full instructions as to the intent and meaning of so much of the seventh article of the treaty of 1860 between the United States and Japan as treats of the subject-matter referred to.

I desire to be fully instructed as to the exact status of the rights of a citizen "convicted of felony or twice convicted of misdemeanors" as mentioned in the treaty referred to, and who shall have thereupon been required by the Japanese authorities to leave the country.

Between the time when such notice shall have been served upon the convict and that fixed by the consular authorities within which he is to take his departure, what jurisdiction is he subject to, and whose duty is it to enforce the requirement to leave?

I desire also to know, if such convict so notified to leave is not able to pay his passage away, at whose expense shall such passage be made, and to what place or country is he to be sent?

This subject has been the theme of extensive newspaper comments here, and it is hardly necessary to remark that its importance merits the serious attention of the Department.

I am, &c.,

THOS. B. VAN BUREN.

## LIBERIA.

No. 323.

*Mr. Turner to Mr. Ecarts.*

No. 288.]

LEGATION OF THE UNITED STATES,  
*Monrovia, January 2, 1878. (Received February 6.)*

SIR: I have the honor to inform you that the honorable the House of Representatives of the Republic of Liberia decided by an almost unanimous vote, taken on the 24th day of December, to present to the Senate of Liberia articles of impeachment against His Excellency the President of Liberia. On the 24th day of December the honorable the House of Representatives, through a board of managers, composed of four members of the said House, appeared at the bar of the Senate of Liberia, and, agreeably with certain provisions of the Liberian constitution, prepared six articles of impeachment against His Excellency the President.

The Senate, on the same day, without first resolving itself into a high court of impeachment, with the chief justice of the republic as presiding judge, as the constitution of Liberia provides must be done in such cases,

issued a citation or summons to His Excellency the President ordering him to respond to the articles of impeachment on Monday, the 31st day of December, at 10 o'clock a. m.

The attorney-general resigned his office on the 29th of December, within a few hours subsequent to the presentation of the articles of impeachment, and appeared at the time set for His Excellency's response as attorney for respondent.

On the 31st day of December, the chief justice presiding, the high court of impeachment was formed, and it was ordered that a copy of the articles of impeachment be furnished the respondent through his attorney; and that the 2d day of January, A. D. 1878, at 2 o'clock p. m., be the time fixed for His Excellency the President to appear and answer to the specifications and causes for impeachment preferred by the honorable the House of Representatives.

The high court of impeachment, at its sitting held January 1, A. D. 1878, after debate of great warmth, suspended President Payne from the exercise of the functions of the Presidency. The Secretary of State has informed me verbally that his resignation of the folio of the state department has been tendered and accepted. I have elsewhere had the honor to inform the Department of the suspension of the honorable the Secretary of the Treasury of Liberia.

I take occasion to remark that the action of the legislature in suspending the Secretary of the Treasury was, perhaps, unconstitutional, as that instrument provides for the tenure of that officer during the pleasure of the President. However, the Vice-President is the only officer of the administration now in the unquestioned exercise of official functions. The Vice-President is now Acting President of the republic.

The action of the legislature at this session produces great consternation in Liberia; and it is at present impossible to forecast the result of these disturbances. I have found it difficult, indeed impossible, thus far to obtain for the Department a copy of the articles of impeachment. I hope, however, to have the honor to send a copy thereof as soon as it can be procured.

I omitted to state in the body of this dispatch that the General of the Liberian army has also resigned.

I have, &c.,

J. MILTON TURNER.

---

No. 324.

*Mr. Turner to Mr. Evarts.*

No. 289.]

LEGATION OF THE UNITED STATES,  
*Monrovia, January 8, 1878. (Received March 1.)*

SIR: I have the honor to inform the Department that James S. Payne, jr., a son of Ex-President Payne, was arraigned, a few days since, before the bar of the honorable the House of Representatives, on the charge of having conspired with a number of persons to assassinate three members of that House. The said House, after an investigation of the affair in open session, did, by unanimous vote, declare Mr. Payne guilty. The House imposed upon Mr. Payne a fine of \$100 and a bond of \$1,000, in default of which an imprisonment in the common jail until the said penalty was complied with. Mr. Payne escaped jail by compliance with the sentence.



I desire to inform the Department that the honorable the House of Representatives have preferred articles of impeachment against the Hon. B. J. K. Anderson, (suspended) Secretary of the Liberian Treasury, for malfeasance in office and using the public funds without the authorization of law. There are now, therefore, two trials of impeachment pending before the honorable the Senate of Liberia, viz, that of Ex-President Payne and that of Ex-Secretary Anderson.

I have made several verbal applications for the articles of impeachment in these cases, but without success. I shall have the honor to forward them as soon as copies can be obtained.

I have, &c.,

J. MILTON TURNER.

No. 325.

*Mr. Turner to Mr. Evarts.*

No. 290.]

LEGATION OF THE UNITED STATES,  
*Monrovia, Liberia, January 8, 1878. (Received March 1.)*

SIR: I have the honor to inform the Department that His Excellency Anthony W. Gardner, of Grand Bassa County, Liberia, was inaugurated President of Liberia on yesterday, the 7th day and first Monday in January, and that Hon. Daniel B. Warner was on the same occasion inaugurated Vice-President of Liberia.

It is believed here that Ex-President Payne's absence from the inaugural ceremonies was resultant upon the circumstance of His Excellency's case now pending before the high court of impeachment.

The inaugural ceremonies were conducted with becoming solemnity by Vice-President Harmon, assisted by the Acting President of the Senate of Liberia. I had the honor this morning to pay my respects to His Excellency the President at the executive mansion, and to assure him of the congratulations and friendship of the United States. My reception by President Gardner was exceedingly cordial. He assured me of the desire of the present Government of Liberia to cultivate relations of closest friendship with that of the United States.

I have, &c.,

J. MILTON TURNER.

[Inclosure 1, No. 290.]

*Mr. Johnson to Mr. Turner.*

DEPARTMENT OF STATE,  
*Monrovia, January 5, 1878.*

SIR: The undersigned has the honor to advise Minister Turner that His Excellency C. H. Harmon, Acting President of the Republic of Liberia, has been pleased to appoint the undersigned Secretary of State.

Monday the 7th instant being the day for the inauguration of Hon. A. W. Gardner, President, and D. B. Warner, Vice-President, of the Republic of Liberia, the undersigned has the additional honor of extending to Minister Turner an invitation to be present on the occasion.

With sentiments of regard, the undersigned has the honor to be Minister Turner's obedient servant,

W. A. JOHNSON.

His Excellency J. M. TURNER,  
*Minister Resident and Consul-General United States of America.*

[Inclosure 2, No. 290.]

*Mr. Turner to Mr. Johnson.*LEGATION OF THE UNITED STATES,  
*Monrovia, January 5, 1878.*

SIR: I have had the honor to receive your dispatch of even date. It announces your appointment by His Excellency the Acting President to be Secretary of State; and extends to me an invitation to be present on the occasion of the inauguration of Hons. A. W. Gardner and D. B. Warner, into the Presidency and Vice-Presidency of the republic.

Be pleased to accept my congratulations upon your attainment to the distinguished post of Secretary of State. The invitation which you have extended to me is accepted; and I hope to have the honor to be present on the occasion referred to.

I have the honor to be, Mr. Secretary, with considerations of high esteem, your obedient servant,

J. MILTON TURNER.

No. 326.

*Mr. Turner to Mr. Evarts.*

No. 291.]

LEGATION OF THE UNITED STATES,  
*Monrovia, January 26, 1878. (Received March 1.)*

SIR: I have the honor to transmit for the information of the Department the printed copy of the articles of impeachment as preferred by the honorable the House of Representatives of Liberia against Ex-President James S. Payne. The high court of impeachment at its session to-day set the trial of Mr. Payne for the second Monday in December, 1878. This action is regarded generally as a judicious one on the part of that court, and was probably taken in view of the political excitement and strong feeling manifested relative to the trial of the Ex-President.

The impeachment trial of Hon. B. J. K. Anderson, Ex-Secretary of the Treasury, has engaged the attention of the high court of impeachment throughout the last eight or ten days. The evidence and arguments on both sides were concluded in the case of Mr. Anderson on the 24th instant, and the high court determined upon eight days in which to make up the decision. The decision will, I believe, be rendered on the 2d day of February. I hope then to have the honor to inform the Department of the nature thereof.

The Senate has not ordered the articles of impeachment against Mr. Anderson to be printed, hence I am thus far unable to procure said articles for the information of the Department.

I have, &amp;c.,

J. MILTON TURNER.

No. 327.

*Mr. Turner to Mr. Evarts.*

No. 296.]

LEGATION OF THE UNITED STATES,  
*Monrovia, Liberia, February 15, 1878. (Received May 6.)*

SIR: I have the honor to inform the Department that the American bark *Liberia* arrived here on the 6th instant, bringing as passengers from New York two commissioners of emigration prospecting for homes for negro citizens of Arkansas who desire to emigrate to Liberia, Mr.

Osgood, a missionary of the Methodist Episcopal Church of the United States, and 53 negro emigrants, male and female. The principal number of the emigrants were formerly residents of the States of North Carolina and Mississippi; one or two were from Boston. The commissioners have separated; one will remain in Motserado County and examine the region about Cape Mount and the St. Paul River, the other will visit the sea-coast settlements between this point and Cape Palmas.

Mr. Osgood, the missionary, was formerly a resident of Ohio, and his mission is to Bossorah, a native settlement, said to be 75 miles from the sea-coast, and occupied almost exclusively by the Mandingo tribe of Mohammedan Africans. That Bossorah is situated beyond the malarial influence met upon the sea-coast is a mooted question. It is accepted generally that the African fever can only be contracted by persons who spend nights on the shore; and, as Mr. Osgood did not spend a night on the shore prior to his departure for the interior country, it is believed that African fever was not incipient in his system at the time that gentleman left Monrovia for Bossorah. Hence, it is expected that the result of that gentleman's experience will go far to settle the question as to how far interiorward from the sea-coast the malarial influence prevails in the atmosphere.

The settlement of that question would, doubtless, have important bearing upon whatsoever effort Liberia may hereafter put forth to extend her commerce and establish new settlements in the more healthful regions said by travelers to be in the interior of Africa. Missionaries of high standing and wide experience with whom I have conversed relative to this subject, express the opinion that the issue of this experiment will also be in some sense influential to determine the action in Liberia of those missionary associations who desire to push forward their labor in that direction. This laudable enterprise to establish a Christian mission at Bossorah, I am informed, was projected by the American Methodist Episcopal Board of Missions, at the instance of Bishop Gilbert Havens, of the church from which that board derives existence.

Almost simultaneous with the departure of the missionary gentleman mentioned above for the new and important field to be established at Bossorah, Bishop Pinnick, of the Episcopal Church of the United States, a native of Virginia, accompanied by two young men, missionaries, from Maryland and South Carolina, respectively, arrived at Monrovia from Cape Palmas, and announced the intention of the Episcopal Church of the United States to begin immediately to establish Christian churches and manual-labor schools in the midst of the interesting and desirable tribes of the Veis-Africans, who have their principal settlement at Cape Mount, 40 miles from Monrovia, but whose commercial and friendly intercourse stretches interiorward beyond Bossorah many miles into the country inhabited by the Mandingoes and other tribes of Mohammedan Africans.

I had the pleasure to present the gentlemen representing the important mission-interest named to His Excellency the President of Liberia. It was a satisfaction that the President received the gentlemen with cordiality of manner, and expressed high approval for the direction selected for these new mission labors in Liberia. The President assured Bishop Pinnick that his application for a grant of land for agricultural and other mission purposes at Cape Mount had failed to occupy the attention of the legislature at the last session thereof, only for want of time before the adjournment, but that he (the bishop) might select 50 acres of land at that point and begin operations without delay, and that at the next session the legislature would confirm the executive grant in

that direction. I think the President extended that permission under a provision of the constitution of Liberia which favors the interests of Christian missions in this country.

I have ventured to write somewhat at length upon the subject of these new mission interests, not only because the aggression of Christian missions upon heathenism is always the harbinger of the highest civilization, but because it does not appear to me that any two movements in Liberia made hitherto have been more capable, if strongly supported, of material contribution at one and the same time to the welfare of the aboriginal tribes, and to secure the final permanency of democratic institutions of government in these parts of Western Africa. This effort of those two American churches is a direct assault on Mohammedism and upon the superstitious traditions and fetish worship of the African tribe who dwell in this quarter; meanwhile, if successful in combining with their usual religious and secular training, manual labor, schools for the children of the tribe, there is little reason to doubt that after a few years those schools would furnish Liberia with a desirable class of artisan labor as well as commercial intercourse with those people who dwell far distant in the interior of Africa. It may not be amiss, therefore, to express the hope that these new efforts may be seconded by a corps of thoroughly competent, efficient Christian missionaries and teachers, strong enough in numbers to make effectual lasting impressions for good on the tribe in whose immediate midst the work is necessarily to be done.

I have, &c.,

J. MILTON TURNER.

## MEXICO.

No. 328.

*Mr. Foster to Mr. Erarts.*

No. 606.]

LEGATION OF THE UNITED STATES,  
*Mexico, September 28, 1877. (Received October 15.)*

SIR: The opening of Congress, which should have occurred on the 16th instant, did not take place until the 19th instant on account of the want of a quorum in the senate. The usual ceremonies occurred at the latter date, with an address from the President of the republic, of which I inclose herewith a copy and translation.

I am, &c.,

JOHN W. FOSTER.

[Inclosure in No. 606.]

ADDRESS OF PRESIDENT DIAZ, DELIVERED TO CONGRESS ON THE 19TH  
SEPTEMBER, 1877.

[From the Two Republics, Saturday, September 29, 1877.]

CITIZEN DEPUTIES: CITIZEN SENATORS: If the installation of the legislative power ordinarily indicates the regularity of the march of the Government, it has, in the opening of to-day, a double and important signification; it not only fixes the dividing line between the irregular period which completely terminates at the present moment and the full constitutional order which is initiated, but it places definitely the seal of legality upon the acts of the revolution, as the constituent Congress placed it upon those of the revolution of Ayutla, from which emanates our grand code of 1857. I believe it therefore

my duty, and it is pleasant for me to comply with it, to congratulate you upon your presence in this place; it inaugurates an epoch of regeneration and of prosperity for the republic.

Duly observing a constitutional precept, I proceed to inform you, on commencing your elevated functions, of the present state of the country.

With satisfaction I can announce to you, that our official relations with the friendly powers, after a brief interruption occasioned by circumstances, have been frankly and cordially renewed. And this satisfaction would be complete concerning this point, if it were not my painful duty to inform you that the United States of the north have not thought proper up to the present time to follow the conduct adopted by the friendly nations of Europe and America.

From the time of the past administration certain difficulties have existed, due to events which have occurred on the frontier, and to other incidents. The Department of Foreign Affairs will opportunely report to you in regard to these matters.

The executive has given constant and especial attention to these delicate questions. not only owing to the duty which devolves upon it to remove the fear that even the peace of the country may be disturbed, but in order to fully comply with the duties imposed upon it by international compacts.

It is to be presumed that the official relations between the two governments may soon be re-established and that the pending difficulties will be satisfactorily adjusted, resolved as the executive is, and as Congress doubtless will be, to act with full justice, and animated by a friendly spirit, although decided, at the same time, to admit nothing which may wound the dignity or the rights of Mexico.

With respect to the interior it is pleasant for me to inform you that peace exists from one extreme of the national territory to the other, without anything to disturb it. Under its beneficent influence public confidence is returning and business operations are being developed in a satisfactory manner. The country, understanding the value of peace, is on the side of the government in its endeavor to preserve it and insure it.

The elections for senators were held in almost all the States, without the authorities making use in them of force or violence, and they will soon be held in those States in which up to the present time they have not taken place.

The post-office department has been attended to as its importance demands; new offices have been opened in places which lacked them, and communication has been made easier. The charitable establishments have also been an object of especial care, their service being notably improved. The executive, which sees in these establishments an asylum for the orphan and the indigent, has endeavored in the past and will continue to see that the philanthropic ends of their institution are fulfilled.

In the Department of Justice a difficulty has existed owing to the declaration of the supreme court that the appointment of magistrates and judges of the federal order pertained to it; a declaration contrary, in the conception of the executive, to the text of our laws and the practice invariably followed. As the executive appreciates the difficulties which a conflict between two of the federal powers would occasion to the country, in view of the position taken by the court, it has postponed the decision of this question, submitting it to the wisdom of Congress; with this object the department of that branch will present you an initiative in regard to the debated point.

It will also propose to you various projects of law concerning the organization of the federal tribunals, reforms of the code of proceedings of the district, and of the law of *amparo*, in those points in which practice has demonstrated their inconvenience or inefficacy.

Public instruction has received from the executive the preference and attention which are due to it, making such improvements as the short period of existence of the present administration has permitted.

In the branch of public works (fomento) it has been endeavored to assist in the development of the spirit of enterprise which is manifested on all sides with the return of peace.

In order to attract immigration to the republic and satisfy thus one of our most important necessities, the executive is engaged in collecting the indispensable data upon which to base a system which will not present difficulties in its execution; and the Department of Public Works will report to you concerning its labors in regard to this point.

The same department will present to you numerous petitions for patents of invention, concerning which there will be addressed to you an initiative of a law to regulate the matter, in order to observe article 28 of the constitution.

For the purpose of terminating the evils which result to commerce from the differences in weights and measures, there will be submitted to you within a few days another initiative for the speedy and general adoption of the metric decimal system.

Public works and material improvements have been constantly attended to by the executive; in so far as the resources of the treasury permit work has been resumed on all the roads whose preservation pertains to the federal power, and the drainage of the city and valley of Mexico has been stimulated with equal activity.

A new contract with the railroad company of Toluca is to be entered into for the speedy termination of that important way, and the propositions made by various companies for the construction of like works are at present undergoing due examination. There will opportunely be submitted to your ratification the contracts which may be entered into relating to these affairs, which, with reason, occupy at present so much public attention.

The telegraph lines have been repaired, extended, and improved in many places, and measures have been dictated with respect to them which, within a few months, will make them much more useful for the public service, and, at the same time, less expensive.

The Department of Public Works has under consideration at present a contract for the establishment of a submarine telegraph line in the Gulf of Mexico.

Although the state of the public treasury cannot be considered as entirely satisfactory, it gives rise to the hope of improvement in the pecuniary situation of the republic. The payments of the civil and military lists in the district during the present fiscal year have not only been made with all regularity, and this without neglecting the expenses which the treasury incurs outside of the capital, but, in order to avoid the hard necessity of resorting to extraordinary taxes, partial quantities have been reserved for the purpose of opportunely paying the next installment of the American debt.

The Treasury Department will present to you certain important modifications concerning the initiative which it transmitted to you during the last period on the public debt. It will also submit to your examination other initiatives for the purpose of substituting the toll duties in the districts; in order to encourage the exportation of national products; suppressing the duties and other obstacles which at present act as a hindrance; and finally, in order to concede to the municipalities the product of confiscated properties, the dues from them to the national treasury having been paid, in accordance with the laws of reform.

The Department of War has devoted itself with assiduity to the reorganization of the army, in which considerable reductions have taken place. These being consummated, it has prepared new works for the improvement of the moral and material conditions of the army, in order that this institution may satisfactorily fulfill the noble mission which is confided to it as the guardian of the laws, and in order to give peace and security to the people who sustain it.

Citizen deputies; citizen senators: In going out of this place I carry with me the great satisfaction of seeing at last the republic and its government placed in the road which the constitution marks out for them. With your patriotism and wisdom you will know how to provide for all the necessities of the country, in which work you will lend to the executive your decided support; but permit me before terminating to make a special appeal to your wisdom, to your zeal, and to your perseverance, in order that, by putting them in operation, the promises of the revolution may soon be realized.

---

No. 329.

*Mr. Foster to Mr. Ecarts.*

No. 611.]

LEGATION OF THE UNITED STATES,  
*Mexico, October 6, 1877. (Received October 22.)*

SIR: I inclose to you herewith copy of a communication with its accompaniments received by me from Mr. L. H. Scott, appointed consul in Chihuahua, but not yet in possession of his exequatur, in reference to an examination which the governor of Chihuahua is making, by orders of the federal government, as to the treatment which American residents of that State have received from the Mexican authorities. Mr. Scott very correctly sets forth the embarrassments under which Americans labor in making a true and complete statement of their complaints.

I also transmit a copy of my reply to Mr. Scott's letter, which, together with my previous dispatches to the Department in regard to the troubles in Chihuahua, gives my view of these matters.

I am, &c.,

JOHN W. FOSTER.

[Inclosure 1 in No. 611.]

*Mr. Scott to Mr. Foster.*

CHIHUAHUA, MEXICO, September 13, 1877.

SIR: I inclose you a copy of a document which Governor Angel Trias has served upon each of the resident Americans in this State, and I desire to give you some facts pertaining to the matter in question. The inclosed copy is taken from No. 132. How many more in number he may have served I cannot say, but this number will be sufficient to show the purpose.

There are in this State, as there are in almost every State along the border, quite a number of poor Americans, who have nothing in the world to lose in money matters, either by revolution or from other causes. It is clearly the intention of the present government to have these poor Americans testify that they have no cause to complain of the present administration, and that they have been treated no differently from other foreigners or Mexican citizens. Their affirmations will be true, but not one in ten of those signing such papers have a dollar to lose under any circumstances. They are too poor even for Mexicans to tax.

There are Americans here, however, who are in a far different condition, and to them alone should this document apply. I have been asked by several interested parties, those who have lost money by the present government, "What shall I say? I know I have been misused and badly treated; but is it not a trap they are setting for our own destruction?" I have told them all if you have any wrongs now is the time to speak of them, for if you do not our government will take it for granted that I have maliciously misrepresented the matter, and will censure me accordingly.

Mr. Henry Nordwald asked me if he had best make mention of the fact that on two occasions his store and dwelling had been invaded by an armed force, with a guard at his doors, and every nook and corner searched for arms, and what little they could find they carried away. I asked him if they had made an exception of him in their treatment, and his reply was that they had. I told him that unless he made a full complaint of all the wrongs he had specially received that he would not be doing his duty to our cause; that he had wrongs to have adjusted, and now was the proper time for him to speak. In the case of Henry Müller, who is at present at the mines, I am afraid he will not be able to answer Governor Trias. Mr. Müller was arrested while in company with the German consul, and several other German citizens, while out prospecting in the mining interest. He was held a prisoner for a month's time, and released only after he paid to the officer in charge \$3,500. The German consul and his fellow-countrymen were released the following day after their capture. Should our government overlook this imprisonment of Mr. Müller, and let the Mexican Government retain his money, I shall give up all hope of ever getting any protection whatever. They also took Mr. Müller's private residence and occupied it as headquarters, besides confiscating and using his personal property wherever it could be found. He has now leased all his property, cattle, sheep, &c., fearing that they would strip him of everything. If the Americans who have sustained these injuries at the hands of the present government do not state them on this occasion, it will be from the fact that they fear utter and hopeless ruin for so doing.

In the matter of Thomas N. Smith, whose train of lumber they took, whose place of business and dwelling-house they occupied with their troops, just because, as he says, "it was a fine large house," he has answered, and you will see his answer.

Regarding forced loans I have this to say: They are, in the first place, regulated altogether by the feeling of those imposing them. The first loan caused here in January, 1876, was for \$56,000; of this \$35,000 was all that was collected. Of this latter amount, \$10,200 was assessed and collected from five American firms alone. Was it discrimination to let Mexicans escape and force Americans to pay down the dollars? I think so. Then take the assessments and compare their relative merits. Take the case of Walter Henry. His first "loan" was \$1,200, and he was not forgotten in the many that followed in quick succession, until at length he was summoned to give a gun, pay \$50, or remain in prison. The poor old man came to me and said, "They have taken every dollar I have, and I cannot raise even this small amount." I loaned him \$30 to make up the amount, and they then released him. The evidence they will send is a good deal similar to the case where the jury acquitted the prisoner for the reason that only two witnesses swore they saw the prisoner kill the man, while the defense brought ten men who swore they did not see him kill the deceased.

The government at the city of Mexico telegraphed to the military commander here in Chihuahua that much complaint had been made by the German citizens of the bad treatment they had received, and in the future he would be careful not to give cause for any further complaint. Of course the Germans were jubilant, and expressed themselves very well satisfied. We Americans could not help feeling mortified, and our pride was wounded. If the persons in power here did not discriminate in favor of Germans, they disobeyed superior orders, and it was not the fault of the general gov-

ernment at Mexico that this partiality was not shown, for they forbade any more forced loans on them, and left us poor Americans to the tender mercies of the new officials.

I make the charge of discrimination against the government at the city of Mexico direct, and their own records will show it. I also inclose you a copy of my answer, personally, to His Excellency the Governor. You will notice my remarks about the "Co. Americano." They favored us all along with the calls for money and arms, and the "restoradora" working alongside was not asked for a dollar; and, were the truth known, the latter was in much the better financial condition. One was American; the other was not.

In the regulation of some duties in the month of April last, F. Macmanus & Sons were compelled to pay in silver dollars; while from a German, Gustavo Moye, they admitted in half payment old receipts of General Trias. I made no mention of this in my reply to Governor Trias, as it might cause Mr. Moye trouble. Fair play all around is what we want, and what we will obtain after a while, just so soon as Mexico finds out that our country intends giving protection to her citizens living in Mexico.

I wrote to you, while in the States, asking you to please see the Minister of Finance and obtain from him an order making good an order of General Naranjo to F. Macmanus & Sons. About ten days since, a telegram (or letter) came to this city, annulling for the present all the outstanding orders of General Naranjo. I have made inquiry, and can find but one other order of importation uncanceled, aside from the one held by F. Macmanus & Sons. This one, for \$1,000, is held by Pedro Mignagoven, a Frenchman. There may be some other small ones, but they are not held by any of the importers.

When a government will make a special annulment of an amount less than \$10,000, they either want to hit some one *very much*, or they are very much pushed for money. Governor Trias was negotiating for money when this order arrived. Now he says he cannot obtain any money, and that the government did a very unwise thing to cancel these outstanding documents. It is now almost authentically stated that next week we will be favored with a large *prestimo*. I hope they may learn after a while that honesty will prove as remunerative as their constant shirking of their obligations. I cannot see upon what grounds they annul the order of Naranjo. Had an order come to recognize *all* these orders until paid, merchants would have had some little confidence. Now they have none. There are trains on the road now to El Paso, and money would have been advanced on these duties, had it not been for this countermanding order. The government here has no money, and they are offering loans at 4 per cent. a month, with no takers. This shows you the confidence the merchants have in their fulfilling their promises.

By last mail was sent you a letter from F. M. & Sons in regard to the two orders received in Mexico, requiring the "*vista buena*" of the minister of finance to make them good for the present fiscal year. Also, in regard to the Naranjo order, the amount of which is \$5,062.50, and not \$5,165, as stated in their letter. As soon as Mr. Müller returns I will have him draw up his complaint in due form, as also Mr. Nordwald, and have them forwarded to you. Since commencing this letter Edward Patrick called to me about answering the governor. He said, "You know I cannot make any charge to the very man who committed the outrages and who is now in power. They battered down my doors, placed a pistol at my breast, and robbed me of horses, saddles, arms, and money, for which they would not give me any receipts; but I cannot say this to Trias; it would be my ruin." He has promised to give me his statement to forward to you. We have had simply a reign of terror on a small scale for the past year and a half.

If you can obtain a telegram from the minister in relation to these three drafts on the custom-house, you will confer a great favor on Messrs. Macmanus & Sons, and much oblige,

Your most obedient servant,

LOUIS H. SCOTT,  
United States Consul.

---

[Inclosure 1 to inclosure 1 in No. 611.—Translation.]

Governor Trias to Mr. Macmanus.

SUPREME GOVERNMENT OF THE FREE AND SOVEREIGN STATE OF CHIHUAHUA.—NO. 132.

In compliance with a requirement of the Department of Foreign Affairs, I request you to be pleased to tell me whether you have cause to complain of having been treated



by the present government with prejudice or hostility, and of having been oppressed with discrimination in favor of Mexicans and foreigners of other nationalities.

Liberty in the constitution.

Chihuahua, August 30, 1877.

ANGEL TRIAS.

L. D. CONDER.

To the American citizen, F. MACMANUS, present.

[Inclosure 2 to inclosure 1 in No. 611.]

*Mr. Scott to Governor Trias.*

CHIHUAHUA, September 13, 1877.

HON. SIR: I have the honor to acknowledge the receipt of your official document of August 30, 1877, which was handed me on the 11th instant. In reply I beg to state that while I have not the exact means of ascertaining the exactions imposed upon other foreigners and Mexican citizens, still I have at times thought that some of my interests were not placed upon a fair and impartial basis.

The New York and Santa Eulalia Silver Mining Company, in which I am interested, was placed upon the list of forced loans, and compelled to contribute arms for the soldiers of the actual government. Ours was the only company in the district of Santa Eulalia that paid any forced loans. These loans caused such a feeling of insecurity among the New York stockholders that it has very seriously interrupted the progress of the works, which would have been a great benefit to the State in the production of wealth, employment of labor, and the distribution of many thousands of dollars annually.

Not only during the months of July, August, and September, 1876, was the "Co. Americano" called upon for forced loans, but during the stay of General Naranjo he also levied a loan upon the company which it did not have the money to pay. I was compelled to take from my private means the necessary funds to pay off this demand. I was forced to do this, as General Naranjo threatened to annul at that time the order of \$5,062.50, which he had just issued to F. Macmanus & Sons, of which firm I am and was then a member, unless the money levied against the company was paid immediately.

The company at that time had not a dollar in the treasury, and I thought then, and still continue to think, that undue advantage was taken by General Naranjo. It is very difficult to arrive at the thoughts and intentions of others. We are only capable of judging certain matters by their direct effect upon us. Thus, in the suspension of the importation orders given by General Naranjo, I trust there was no intention on the part of the government to specially wrong or inconvenience my firm. Still the effect is the same, and as almost all the other (orders) of importation have been canceled, it seems hard that we should be the worst and almost the only sufferers from this suspension.

I complain that the general government at the city of Mexico caused to be sent to the State government in this city telegrams advising that complaints had been made by German citizens, and counseling the State government not to give cause for any further complaints from this source.

I hold that such an order in behalf of any one class of citizens was discrimination against all others, which included

Your most obedient servant,

L. H. SCOTT.

His Excellency Governor ANGEL TRIAS, *Present.*

[Inclosure 2 in No. 611.]

*Mr. Foster to Mr. Scott.*

LEGATION OF THE UNITED STATES,  
Mexico, October 5, 1877.

SIR: I am in receipt of your communication of the 13th ultimo, with its inclosures containing an account of the examination which the governor of Chihuahua is making as to the treatment which Americans resident of that State have received from the authorities. I thank you for your full and interesting report on the subject. I agree with you that American citizens who have suffered from the acts of the authorities should now make known in some way the injuries which they have suffered, although I recognize the embarrassing position in which they may be placed by such com-

plaints reaching the authorities who perpetrated the wrongs, if they still remain in office. But the matter having become the subject of newspaper discussion, I see no other course to take than to make a full statement of the injuries suffered.

There is no question in my mind but that American citizens have suffered gross outrages and wrongs at the hands of the local and revolutionary officials in Chihuahua, and I have made serious and repeated complaints to the government of General Diaz regarding them. But it is due to his government to say that whenever I have been able to furnish it with authentic evidence of the exaction of forced loans, money advances, &c., by his officials, the finance department has promptly ordered a repayment, in such form as to be acceptable to the complainants. This has been the case with Messrs. Macmanus & Sons, to whose claims you allude in your letter of the 13th ultimo. I wrote and telegraphed them yesterday that all the custom-house orders heretofore obtained by me for them in settlement of their claims had been revalidated. It is to be regretted that other American residents of Chihuahua, who have suffered injuries or damages, have not pursued the same course as Messrs. Macmanus. The first information I had of Mr. Müller's case, to which you refer in your letter, was through the American newspapers, and up to this day I am without any sufficient information or statement upon which to present a formal complaint or claim for damages to the Mexican Government. The complaints of Messrs. Smith, Henry Patrick, and Nordwald, to which you make incidental allusion in your letter of the 13th, and your statement of the loans exacted from the New York and Santa Eulalia Mining Company, have never been presented to me for adjustment, and, in fact, I never heard of them before. It is a just cause of complaint against Mexico that such forced loans and damages are inflicted on American citizens under any circumstances, but fault cannot be found with the federal government here for failure to repair the damages if authentic information is not furnished it of such injuries. The best course for Americans to pursue in all such cases is to report their complaints through the consul to this legation, in the first place, and not to the Department at Washington, until the Mexican Government manifests an indisposition or an undue delay in adjusting them.

I will be gratified to receive any further information you may have on the matters referred to in your letter of the 13th ultimo.

Very truly,

JOHN W. FOSTER.

L. H. SCOTT, Esq.,  
Chihuahua.

No 330.

*Mr. Foster to Mr. Evarts.*

No. 617.]

LEGATION OF THE UNITED STATES,  
Mexico, October 27, 1877. (Received November 17.)

SIR: Referring to my No. 615, of the 16th instant, on the subject of the crossing of Lieutenant Bullis and Lieutenant-Colonel Shafter into Mexico last month, I now transmit a translation of the official report of the Mexican officer in command at Piedras Negras of the affair, the reply of the Minister of War giving instructions for future action in similar cases, and the communication of the Minister of Foreign Affairs as to his action occasioned by the event.

I am, &c.,

JOHN W. FOSTER.

[Inclosure in No. 617.—Translation.]

*Instructions of minister of war and action of minister of foreign affairs.*

DEPARTMENT OF WAR AND MARINE, CONSTITUTIONAL ARMY, LINE OF THE NORTH—  
SECOND GENERAL-IN-CHIEF.

Under date of the 4th instant, the citizen general, Anacleto R. Falcon, says to me the following from Piedras Negras:

“NATIONAL ARMY.—GENERAL OF BRIGADE.

“In copies No. 1 and 2, I transmit to you the communications which Colonel Rodriguez has sent me from Zaragoza concerning the passage of a force of the United

States invading our territory. By the same notes you will be informed of the result of those expeditions; consequently, I hope that you will give me exact instructions in order that I may act properly in a similar case if it should be repeated."

Which I have the honor to communicate to you, inclosing copies of the communications to which reference is made above, to the end, that in view of them, your superior authority may dictate the measures which it judges opportune.

Liberty in the constitution.

Monterey, October 9, 1877.

F. NARANJO.

The Citizen MINISTER OF WAR AND MARINE, *Mexico.*

MEXICO, October 24, 1877.

A true copy.

On account of the sickness of the citizen chief clerk.

MANUEL BALBONTIN,

*First Official.*

### No. 1.

#### CAVALRY CORPS—COLONEL.

At this moment, four o'clock in the afternoon, I have received notice by a herder that a party of negroes crossed, a quarter of a league from the ranch of the Patiños, at eleven o'clock in the morning, in pursuit without doubt of certain Indians, since they arrived at the camp which the latter lately occupied, and opened a case of ammunition. As I am informed, they are not all negroes, since there are some Indians from the Gato. I start out opportunely with a force for the purpose of investigating the truth of the facts, and to give battle if it should be necessary.

Liberty in the constitution.

Zaragoza, September 29, 1877.

INOCENTE RODRIGUEZ.

The Citizen General A. R. FALCON,

*Chief of the Line, Piedras Negras.*

### No. 2.

#### FIRST CAVALRY CORPS—COLONEL.

At five o'clock in the afternoon of the 29th of September last the Citizen Municipal President of this city informed me verbally that a party of American soldiers had invaded our territory, apparently with the object of pursuing the Lipan Indians, who by chance are encamped at a league and a half from the ranch of the Patiños, in the direction of the desert, and distant four leagues from this city. I immediately made arrangements to march, with a body of 100 cavalry from the corps of my command, accompanied by the citizens Vicente Garza, Espiridion Meza, Vicente Hernandez, and two other citizens, who voluntarily offered to assist me in the expedition and serve me as guides in case of necessity. Upon leaving this city, I took the direction of the congregacion del Remolino, and between the two places I received a communication from the auxiliary judge of the congregacion, informing me that the Americans had passed in the neighborhood of that town, after assaulting the camp of the Lipans, burning their temporary habitations, and carrying off five old Indian women captured in the assault, and a considerable number of horses, which, according to information which I have now received, do not alone belong to the Indians, but also to various citizens having their ranches near the place where the former were encamped. At half past twelve o'clock in the night I arrived at Remolino, where I was also joined by six volunteers, and I immediately dispatched an advance column composed of twenty men of my corps and ten men of that vicinity who were acquainted with the country, under the command of Capt. C. Aurelio Campos, in order that, taking the trail of the American force, they might follow it until they were able to recognize and observe its movements, while the rest of my force fed their horses and followed the movement afterward.

At seven o'clock in the morning of the following day the said Captain Campos sent me word that he had succeeded in overtaking the American force at the head of San Diego River, directing its march now in the direction of the Rio Bravo, after having incorporated with another force which had been camped there, and 200 men more, who crossed at Palo-Blancar above the villa of Jimenez in order to protect the retreat of the force which had come to attack the Lipans; and, upon seeing the Mexican force, they came out of the camp which they occupied, took possession of an embankment, and formed a line of battle, which might have been composed of 500 cavalry, both

forces remaining face to face; and the American soldiers, after executing various changes of front, which were executed at the same time by the Mexican advance guard, which remained at a short distance, began to retire, and on seeing the rest of the force which I brought, commenced their movement rapidly in the direction of the pass known as Thirty-one, the force of Campos following at a short distance from their rear-guard and my corps for about five leagues beyond the said head of San Diego River, from which place I decided to return, as it was now impossible to overtake them in consequence of the great fatigue of my cavalry, it having made a march of over thirty leagues; and, as I was informed by those who knew the ground, that from there in advance there was no water for more than fifteen leagues, for which reason I decided to move in the direction of San Vicente, where I remained twelve hours for the purpose of observing the movements which the American force might make, or to prevent their return to the passes by which they had crossed into our territory, and having received notice by my explorers that they had taken the direction of the said pass of Thirty-one, I decided to return in order to give food to the force and rest to the horses, convinced that the American force would pass over to its territory that same day, which I have the honor to make known to you for your information, and in the fulfillment of my duty.

Constitution and liberty.

Zaragoza, October 2, 1877.

INOCENTE RODRIGUEZ.

The Citizen General ANACLETO R. FALCON,  
*Piedras Negras.*

MEXICO, October 24, 1877.

True copies.

On account of the sickness of the citizen chief clerk,

MANUEL BALBONTIN,  
*First Official.*

DEPARTMENT OF WAR AND MARINE—SECTION 1.

The Citizen President of the Republic being informed of your communication of the 9th instant, in which you transcribe the communication sent you by the Citizen General Falcon in regard to the passage of United States forces into the national territory, he orders me to say to you in reply that if a similar case should be repeated you subject yourself strictly to the instructions which have been given to you by the general-in-chief of the division of the North, in conformity with the orders which the department under my charge gave to said chief on the 18th of June of the present year.

Liberty and constitution.

Mexico, October 19, 1877.

OGAZON.

MEXICO, October 19, 1877,

A true copy.

On account of the sickness of the citizen chief clerk,

MANUEL BALBONTIN,  
*First Official.*

DEPARTMENT OF WAR AND MARINE—SECTION 1.

I have the honor to place in your hands a copy of the communication, which under date of the 9th instant the Citizen General Francisco Naranjo has addressed to this department, as well as copies of the documents which accompany it, in order that in view of them you may decide upon what is proper.

Liberty in the constitution.

Mexico, October 20, 1877.

OGAZON.

The Citizen SECRETARY OF THE DEPARTMENT OF FOREIGN AFFAIRS,  
*Present.*

MEXICAN REPUBLIC, DEPARTMENT OF FOREIGN AFFAIRS—SECTION OF AMERICA.

Your communications of the 19th and 20th instant, relating to the invasion of the national territory by a party of American soldiers, have been received, which act took place on the 29th of September last, according to the reports rendered by the mayor of Piedras Negras and Colonel Rodriguez.

Information is already given to the Mexican legation in Washington of the said communications of your department, instructing it to protest before that government against this aggressive act toward the republic, and communicating to it the other instructions proper for the defense of the rights of the same.

Liberty in the constitution.

Mexico, October 26, 1877.

The Citizen SECRETARY OF WAR AND MARINE.

True copies.

VALLARTA.

MEXICO, October 27, 1877.

ELEUTERIO AVILA,  
Chief Clerk.

---

No. 331.

*Mr. Foster to Mr. Evarts.*

No. 618.]

LEGATION OF THE UNITED STATES,  
Mexico, October 27, 1877. (Received November 17.)

SIR: The newspaper press of this city have published the decision of the judges of the court of first instance of Matamoros in regard to four of the arrested persons charged with participating in the assault on the Rio Grande City jail, the demand for whose extradition made by the American commissioner having been referred to him.

In regard to three of the prisoners, to wit, Leon Guzman, Felix Garcia, and Porfirio Cantu, he decides that, their Mexican nationality having been established, they are not subject to extradition under the treaty; but that, in view of the fact that they are charged with the commission of a crime in foreign territory which under certain conditions may be punishable by the Mexican criminal code, he orders that they be released upon bail-bonds, to answer any proceedings which may hereafter be instituted against them. One of the conditions of the penal code referred to is, that if the person injured by the alleged criminal act be a foreigner, he shall make proper complaint against the accused. The release of the prisoners under the circumstances may be regarded as a complete discharge from punishment, unless the federal government shall interfere to secure their extradition.

The fourth prisoner, Matilde Ramirez, it is alleged, is now undergoing an imprisonment by virtue of a previous criminal sentence, and the judge decides that the examination of the demand for his extradition be postponed till his term of imprisonment is terminated.

I am, &c.,

JOHN W. FOSTER.

---

No 332.

*Mr. Foster to Mr. Evarts.*

No. 627.]

LEGATION OF THE UNITED STATES,  
Mexico, November 9, 1877. (Received November 23.)

SIR: I have information that informal and personal interviews have recently occurred in this capital, looking to a renewal of relations between Great Britain and Mexico.

Upon the return of the republican government to this capital in 1867, all of the European representatives accredited to Maximilian left the country except the British chargé d'affaires, who remained in this city

with the members of his legation. Some time after the re-establishment of the republican government, the British consul, upon seeking to intervene in a Mexican court in behalf of an intestate estate in his charge, was informed, by a note from the Minister of Foreign Affairs, that he would not be permitted to act in his official capacity, for the reason that the government of the republic had determined to have no official intercourse with any agent of the government abroad that had acknowledged the Maximilian government. The British Government, being advised of this action, directed its diplomatic representative to withdraw from the country with the archives of the legation. In December of the same year the Mexican Executive announced officially that for the same reason all the treaties with the European powers were abrogated, specially mentioning the British debt conventions.

In renewing relations with Germany and Spain the initiative came from the former powers, and Germany has made new treaties with Mexico. No new treaties have as yet been celebrated between Mexico and Spain, but the former insists upon the position assumed by President Juarez in 1867, and it is tacitly acquiesced in by Spain.

It has been understood that Great Britain has occupied the ground that it is willing to renew diplomatic relations, but that, in view of the circumstances under which its legation was withdrawn from this country, the initiative should come from Mexico, and that the treaties and conventions should be recognized as existing.

The result of the recent interview between the Mexican minister and a British resident of this city, who held a personal letter to the latter from Lord Derby, has been a failure to modify the positions of the Mexican Government above referred to.

I am, &c.,

JOHN W. FOSTER.

---

No. 333.

*Mr. Evarts to Mr. Foster.*

No. 432.]

DEPARTMENT OF STATE,  
Washington, December 7, 1877.

SIR: Referring to the communication of Mr. Vallarta to Mr. Mata of September 10 last, stating that the Mexican administration, in order to give proof of its friendship for the United States, and without being bound thereto by treaty stipulations, had given positive orders for the arrest of all the offenders implicated in the assault upon the jail at Rio Grande City; and by its inclosed extract from the penal code in regard to the punishment of crimes committed in foreign territory by Mexicans, it will be observed that, in cases where such offenders are not delivered up under the extradition treaty, they are to be tried and punished in a specified manner. As four of the raiders who made the attack on the Rio Grande jail have not been surrendered in accordance with the orders of the central national authority of Mexico, and their extradition has been refused by the local authorities on the border, so far as the Department is informed, you are now instructed to make inquiry as to whether all or any of them have been arrested, tried, or punished in Mexico in accordance with the provisions of the penal code above mentioned, or are still enjoying immunity from arrest and punishment.

I am, &c.,

WILLIAM M. EVARTS

No. 334.

*Mr. Evarts to Mr. Foster.*

No. 438.]

DEPARTMENT OF STATE,  
*Washington, January 2, 1878.*

SIR: Referring to several dispatches addressed by you to the Department relative to the expedition of Colonel Shafter across the Mexican frontier, I have to inform you that Mr. de Cuellar has addressed a note to this Department, under date of the 14th ultimo, complaining against the course pursued by that officer. It is desired that you should state unofficially to Mr. Vallarta that the facts relative to this matter, as presented by Mr. de Cuellar, differ somewhat from the information received from officers of the United States Army, from which it has not appeared that Colonel Shafter has been guilty of any violation of his orders, or that any injury has been done to Mexico by his expedition. You are requested at the same time to assure Mr. Vallarta that the inquiry into the matter will be renewed; and should it appear that, from an excess of zeal, any wrong has been committed, steps will be taken to prevent a recurrence of the acts complained of.

I am, &amp;c.,

WM. M. EVARTS.

No. 335.

*Mr. Evarts to Mr. Foster.*

No. 439.]

DEPARTMENT OF STATE,  
*Washington, January 2, 1878.*

SIR: I inclose herewith a copy of a dispatch transmitted by General Ord to the Secretary of War, relative to the recent expedition of Lieutenant Ward into Mexican territory, and the co-operation of Mexican troops with his command. You may express casually to Mr. Vallarta the gratification afforded by the friendly spirit manifested by Mexican officers towards the officers of the United States upon the occasion referred to, as well as the hope and belief that such a spirit, if continued, will tend not only to repress the depredations on the Rio Grande, but will be an important step towards renewing official intercourse between the two countries.

I am, &amp;c.,

WM. M. EVARTS.

[Inclosure to No. 439.]

[Telegram.]

*General Ord to General Sheridan.*CHICAGO, ILL., *December 24, 1877.*  
(Received 10.55 a. m.)General E. D. TOWNSEND,  
*Washington, D. C.:*

The following telegram from General Ord is forwarded for the information of the General of the Army.

P. H. SHERIDAN, *Lieut. General.*

"Lieutenant Ward was sent to Rio Grande to find trail of horses stolen and driven into Mexico on 15th instant. Has just come in. The Mexican troops got to the river

on morning of 20th. Ward showed the Mexican lieutenant the trail, and at his invitation crossed the river and joined the Mexican troops. They followed the trail together all day, going about 25 miles. As it had rained heavily the trail was hard to follow, and another hard rain setting in they found it impossible to follow it farther. The trail was left about three miles from Newtown, and only six or eight miles below where it crossed the river. Ward says there was perfect good feeling among Mexican soldiers and our own, and that the lieutenant offered to go with him anywhere he thought the horses could be found.

"ORD, *Brigadier-General.*"

---

No. 336.

*Mr. Foster to Mr. Evarts.*

No. 657.]

LEGATION OF THE UNITED STATES,  
*Mexico, January 3, 1878. (Received February 1.)*

SIR: In November last I received a letter from Professor John B. Dunbar, of Washburn College, Topeka, Kansas, asking me to ascertain from the Mexican foreign office whether the Pawnee tribe of Indians ever had a treaty or official relations with the government of Spain or Mexico.

I left with the Secretary of Foreign Affairs a copy of Professor Dunbar's letter, with a request that he would favor me with any information in the government archives which would throw light upon the inquiries made. Under date of the first instant Mr. Vallarta has sent me notes of such information as was attainable in answer to the inquiries of Professor Dunbar. The notes also embrace historical data in reference to the various Indian tribes which formerly inhabited the old frontiers of Texas and New Mexico, and they may be found of interest to the Indian Bureau of our government. I therefore inclose a translation to enable you to send a copy thereof to the Department of the Interior should you think proper to do so.

I am, &c.,

JOHN W. FOSTER.

---

[Inclosure 1 in No. 657.]

*Professor Dunbar to Mr. Foster.*

TOPEKA, KANSAS, *October 2, 1877.*

DEAR SIR: Would it be possible for you to ascertain from the State Department of the Mexican Government whether that government has ever had a treaty or official relations of any kind with the Pawnee Indians who formerly occupied this State and Nebraska? The Pawnees claim to have had some transactions with Mexico in the early part of this century and perhaps earlier. I am preparing a vocabulary and grammar of their language for publication by the government, and wish also to prepare a short historical sketch of them to accompany it.

If you could furnish me with any reliable data in the way indicated you will confer a great favor.

I am, &c.,

JOHN B. DUNBAR,  
*Professor of Greek, Washburn College.*

---

[Inclosure 2 in No. 657.—Translation.]

*Mr. Vallarta to Mr. Foster.*

DEPARTMENT OF FOREIGN AFFAIRS,  
*Mexico, January 1, 1878.*

MY DEAR SIR: Complying with the desire which you were pleased to express to me in reference to the question contained in a letter of Prof. John B. Dunbar, concerning



the relations of Mexico with the Pawnee tribes, I have the honor to transmit to you certain data prepared from an examination of the best authorities.

I improve with pleasure this new opportunity to reiterate to you the sentiments of just appreciation with which I am, &c.,

J. L. VALLARTA.

[Inclosure to inclosure 2 in No. 657.]

*Historical sketch of Indians.*

The Indian tribes which are found at present established in the territory of the United States, or which originally inhabited our old frontiers, with those with which the Government of Mexico has had direct relations, are the following:

I. The Cados, who inhabited the northeast of Nacogdoches in the State of Texas. In February of the year 1822 two chiefs of this tribe came to Mexico, commissioned to congratulate the government and General Iturbide upon the independence of the Mexican nation.

II. The Comanches of Texas. In January, 1823, a chief named Guonigne presented himself in Mexico, in company with others of his nation, and negotiated an alliance with the Mexican empire.

III. The Cherokees (Chiroquis) of Louisiana. In January, 1823, certain chiefs of this nation, named Richard Fielding, or Fields (half-breed), and X. Bowles came to Mexico, to whom the Mexican José Antonio Mexía served as interpreter, asking for lands upon which to establish themselves.

IV. The Sahnanos, Creeks (Criques), Kickapoos, Quicapus, and Corhates, established to the north of Nacogdoches, had friendly relations with Mexico from 1827 to 1834. In 1827 certain chiefs made a contract with General Bustamante.

V. The Seminoles, Kickapoos, and Muscogees (Muscogoes), headed by Mountain Cat (*Gato del Monte*), Sun Set (*Bajodel Sol*), and other chiefs, made an agreement with the government of General Arista in the year 1850.

VI. The Kickapoos sent a mission to Mexico in 1865 to congratulate Maximilian. They afterwards solicited from the government of Mr. Juárez, and were assigned, lands upon which to establish themselves in Santa Rosa, Coahuila.

The tribes of the United States which formerly had direct relations with the Government of New Spain, were:

I. The Olibas or Olipas, "who inhabited the country between Florida and Tampico." They were brought under the government of Panuco about the middle of the sixteenth century by the priest Andres de Olmos. They established themselves at a place situated close to the sea, at 23° 12' north latitude and 276° 20' west longitude from the meridian of Tenerife. These Indians, who have disappeared completely, gave their name to the State of Tamaulipas (*Tam*), place (*olipas*), of the Olibas.

II. The Apalaches of Eastern Florida, who, after the cession of that province to the United States by the treaty of the 22d of February, 1819, were transported to the plains of the river Chachalacos, eight leagues to the north of the present city of Vera Cruz, where they founded the town of San Carlos, and their descendants still exist.

The most ancient residence of the Pawnee tribes is in the region situated on the banks of the Missouri River, between 43° and 45° north latitude. They are located there by the designers of the charts made in the seventeenth century, corroborated by information furnished by the French of Illinois and Louisiana. The great distance which separates these territories from the town of San Gerónimo, of the Tahos, which was the most northern establishment of the Kingdom of New Mexico, and from the settlement of Nacogdoches, which was the most eastern of the province of Texas, as well as the intermediate location, on one side, of the Yuta and the Apache herdsmen, and on the other side, of the Arkansas (*Arcansacs*) and other tribes of Old Louisiana, are motives for believing that if, at any time, relations existed with the Pawnees (*Pawnis*), they were of very little importance, and were probably confined to the contact which certain cattle-herders of New Mexico, drawn in that direction by the spirit of adventure, or favored by the friendship of the Yuta and Apache herdsmen, may have had with them. Nevertheless, it may have been that certain Pawnees have separately traded or bartered with Mexicans of Tahos, since Gregg, who surely had reasons for knowing, says, in reference to the Pawnees, that in his time they had their principal seat on the tributary of the river Nebraska or Platte, called Loup Fork or Wolf River, and that certain chiefs of that tribe wandered on foot over the whole plain, frequently as far as the (what then was) frontier of Mexico.

It might have been also that the Pawnees maintained good relations with the Spanish emigrants from Louisiana, who founded the town of Nacogdoches about the year 1778, but of this there is no evidence.

The ancient chronicles referring to New Mexico indicate something that might be translated in the meaning of the traditions to which the letter of Mr. Dunbar alludes;

but those chronicles refer to events which took place at the end of the sixteenth century and the beginning of the seventeenth, notably referring to the entrance of the conqueror Juan de Oñate, in the year 1599, and it would be very strange if the Pawnees should remember events of a time so remote. Notwithstanding this opinion, the following is what the priest Geronimo de Zárate Salmeron states is his "relation of all things which have been seen and known in New Mexico, as well by sea as by land, from the year 1538 to 1626":

§ 76. "In a glance which our men cast to the east they saw in a band 5,000 Indians all ready for war in march toward the north. These Indians are of the nation of Arkansaws (*Ercansaque*), who live a hundred leagues from New Mexico towards the northeast, and are mortal enemies of the Xindanes (Tintong and Great-Tans) of the hunters, or Quiviras."

§ 103. "the Arkansaws (*Ercansaque*) inhabit that section of country which, at forty-six degrees of north latitude and one hundred and sixty-two of longitude, extends obliquely to the shelter formed by certain mountain ridges to a river, the Nebraska or Platte River, which flows northeast-southeast, and incorporates with another (the Missouri), which runs into the Mississippi. They form a part of the Pawnees (*Pauanas*?) (Pawnees?), and are subject to the French of Louisiana."

This is the information which, for the present, can be communicated to Mr. Dunbar, of whose request note has been taken, in order that in the future other facts may be found which may interest the object of his investigations.

---

No. 337.

*Mr. Foster to Mr. Evarts.*

No. 660.]

LEGATION OF THE UNITED STATES,  
Mexico, January 10, 1878. (Received February 1.)

SIR: Referring to your dispatch No. 432, of the 7th ultimo, making inquiry whether any of the assailants of the Rio Grande City jail had been arrested, tried, or punished in Mexico in accordance with the penal code, I have to report that, in a call which I made at the foreign office on the 26th ultimo, I directed Mr. Vallarta's attention to the inquiry, and left with him a copy of your dispatch.

Under date of the 7th instant I received from Mr. Vallarta to-day a "verbal note," of which I inclose a translation, in reply. The greater portion of the note is occupied with the demand made by Governor Hubbard, of Texas, for the extradition of the parties referred to; but in its conclusion Mr. Vallarta states that he has no information of the arrest, trial, or conviction of the criminals under the penal code, but that he has asked for reports from the authorities of Tamaulipas on the subject.

I also inclose a copy of my note acknowledging the receipt of Mr. Vallarta's of the 7th instant.

I am, &c.,

JOHN W. FOSTER.

---

[Inclosure 1 in No. 660.—Translation.]

*Mr. Vallarta to Mr. Foster.*

[Verbal note.]

DEPARTMENT OF FOREIGN AFFAIRS,  
Mexico, January 7, 1878.

The Secretary of Foreign Affairs has the honor to inform Mr. John W. Foster, Minister Plenipotentiary of the United States, that he has examined the note which the Department of State, under date of December 7 last, addresses to him, instructing him to make inquiries as to whether all or any of the assailants of Rio Grande City have been apprehended, tried, and punished in conformity with the penal code, of which note Mr. Foster informally delivered a copy to the Secretary of Foreign Affairs in the conference of the 26th of December last.

The Secretary of Foreign Affairs, complying with the desires expressed by Mr. Foster, can inform him that the Government of Mexico, for very special reasons, already placed, through the medium of its legation, within the knowledge of the Government of the United States, ordered the extradition of the criminals of Rio Grande City and their delivery to the American authorities; that this act, entirely voluntary on the part of Mexico, as the criminals were Mexicans, and wrongly interpreted by the Governor of Texas, R. B. Hubbard, gave occasion not only for this official to ask the delivery by Mexico of other criminals, also Mexicans, as a duty imposed upon it by the treaty of extradition, which Mr. Foster knows to be inexact, but for him to pretend to demand it in the most improper terms, going so far as to intimate that the Mexican authorities were either unable to comply with the treaty or were animated by a spirit of hostility towards American citizens, or perhaps both; finally, that this conduct of Governor Hubbard, concerning which instructions have already been given to the Mexican legation in Washington, obliged the government not to insist upon the orders which it had issued for effecting the extradition of the criminals, very justly fearing that a concession in every respect gratuitous would be considered in the future as a duty, as was done at that time, notwithstanding the clear and explicit text of the treaty of extradition which binds the two neighboring republics.

Concerning the judicial proceeding which may have taken place subsequently in respect to the criminals, as the latter, according to the laws of the country, were consigned to the local authorities, which latter have not communicated their decision to the government, the Secretary of Foreign Affairs finds himself for the present unable to transmit to Mr. Foster the reports which are asked of him by the Department of State; but as they have already been asked of the authorities of Tamaulipas, they will be brought to the knowledge of Mr. Foster as soon as they are received in this department.

---

[Inclosure 2 in No. 660.]

*Mr. Foster to Mr. Vallarta.*

[Unofficial.]

LEGATION OF THE UNITED STATES,  
Mexico, January 10, 1878.

SIR: I have the honor to acknowledge the receipt to-day of your excellency's verbal note of the 7th instant, relating to the Rio Grande City jail assailants, and to state that I will forward a copy thereof to my government for its information.

I improve this opportunity to reiterate to your excellency the assurances of my distinguished esteem.

JOHN W. FOSTER.

---

No. 338.

*Mr. Foster to Mr. Evarts.*

No. 662.]

LEGATION OF THE UNITED STATES,  
Mexico, January 17, 1878. (Received February 1.)

SIR: I have to acknowledge receipt this morning of your dispatch No. 439, of the 2d instant, with which you inclose a communication from the Secretary of War, containing copy of General Ord's report of Lieutenant Ward's expedition and as to the co-operation of Mexican troops in the pursuit of raiders on the Rio Grande frontier.

This report of General Ord had already appeared in the Mexican newspapers and had been very bitterly commented upon. The occurrence as reported was denounced as a new invasion of Mexican territory, and the exemplary punishment of the Mexican officer who invited the crossing of the American troops was demanded at the hands of the Diaz government.

On yesterday the *Diario Oficial* published officially the correspondence between the Secretaries of Foreign Affairs and of War on the subject, of

which I inclose copies and translations, and also of the editorial comment thereon in the same paper. It will be seen that the Secretary of Foreign Affairs transmits a copy of General Ord's report in reference to Lieutenant Ward's expedition, as published in the newspapers, to the Secretary of War, and characterizes the crossing of the Rio Grande by Ward's troops as a "new invasion of the national territory." He states that the President regards the act as of the greatest gravity, and directs that the necessary measures be taken in view of it. The Secretary of War thereupon sends instructions to General Treviño, commanding the Mexican forces on the Rio Grande, to make immediate investigation, in order to ascertain who was the officer that permitted and aided the passage of the American troops to Mexican territory; and again enjoining upon General Treviño the strict enforcement of the orders of June 18 last, to repel with force the crossing of American troops into Mexican territory. The editorial comment upon these communications states that "the Executive is resolved to make a severe example of the officer who may have failed to obey the instructions."

These publications made it almost useless and inopportune for me to express to Mr. Vallarta your gratification at the spirit manifested by the Mexican officers to Lieutenant Ward, and your view of the happy results which would follow the continuance of such a spirit. However, in calling upon Mr. Vallarta to-day, to advise him of my expected departure for Washington, I took occasion to refer to the event, and to say that I had received from you a copy of General Ord's official telegram, which I handed him. I also expressed regret that the event had been so differently interpreted in the two republics and by the two governments. In the United States, it was hailed as a manifestation of a friendly spirit of co-operation on the part of the troops of both countries to repress depredations on the Rio Grande, and as an important step toward renewing official relations; and in Mexico it was denounced as an invasion of territory, an outrage upon its national sovereignty, and the Mexican officer who permitted and participated in the pursuit of the outlaws as deserving only of military and presidential condemnation and punishment. I characterized the issuance of the official orders on the subject as highly inopportune in view of the existing state of our relations, and as likely to be construed in the United States as the manifestation of a hostile spirit on the part of the present authorities of Mexico.

Mr. Vallarta had very little to say in reply, further than that the officer who invited the crossing of Lieutenant Ward had violated the instructions of the department of war, and that the Executive felt compelled to issue the orders published in the *Diario Oficial* of yesterday, in view of the clamor which had been raised by the press of this capital about the affair.

I am, &c.,

JOHN W. FOSTER.

---

[Inclosure 1 in No. 662.—Translation.]

*Communications between the Secretaries of Foreign Affairs and of War.*

[From *Diario Oficial*, January 16, 1878.]

MEXICAN REPUBLIC, DEPARTMENT OF FOREIGN AFFAIRS—SECTION OF AMERICA.

In compliance with the desire of the President, I transmit to you a translation of a paragraph from the New York Herald of December 25 last. It contains a dispatch from General Ord to the general-in-chief of the North American Army, in which it is

stated that a new invasion of the national territory took place on the 20th of that month, not only with the acquiescence, but even by invitation of a Mexican official.

This act being of the greatest gravity, the President instructs me to bring it to your knowledge, in order that, through your department, he may proceed to take such steps as shall be necessary.

Liberty in the constitution.

Mexico, January 12, 1878.

VALLARTA.

The SECRETARY OF WAR, *Present*.

---

MEXICAN REPUBLIC, DEPARTMENT OF FOREIGN AFFAIRS.

*New York Herald article of December 25, 1877.*

PURSUIT OF RAIDERS—TROOPS OF THE UNITED STATES AND MEXICANS FOLLOW A FRESH TRAIL IN MEXICO—GOOD UNDERSTANDING BETWEEN THE SOLDIERS.

WASHINGTON, *December 25, 1877.*

The following has been received in the War Department this afternoon:

"CHICAGO, ILL., *December 24, 1877.* (Received 10.55 a. m.)

"General E. D. TOWNSEND,

"*Washington, D. C. :*

"The following telegram from General Ord is forwarded for the information of the General of the Army.

"P. H. SHERIDAN,

"*Lieutenant-General.*

"Lieutenant Ward was sent to Rio Grande to find trail of horses stolen and driven into Mexico on 15th instant. Has just come in. The Mexican troops got to the river on morning of 20th. Ward showed the Mexican lieutenant the trail, and at his invitation crossed his men and joined the Mexican troops. They followed the trail together all day, going about twenty-five miles. As it had rained heavily, the trail was hard to follow, and another hard rain setting in, they found it impossible to follow it farther. The trail was left about three miles from Newtown, and only six or eight miles below where it crossed the river.

"Ward says there was perfect good feeling among the Mexican soldiers and our own, and that the lieutenant offered to go with him anywhere he thought the horses could be found.

"ORD,

"*Brigadier-General.*"

MEXICO, *January 12, 1878.*

A copy.

JOSÉ FERNANDEZ.

*Chief Clerk.*

---

DEPARTMENT OF WAR AND MARINE.—SECTION 1.

The Citizen Minister of Foreign Affairs in a communication of the 12th instant states the following to this department:

"In compliance with the desire of the President, I transmit to you a translation of a paragraph from the *New York Herald* of December 25 last," &c.

Which I transmit to you, accompanied by a copy of the document cited, in order that the corresponding investigation may be made at once, for the purpose of ascertaining who the officer was that permitted and aided the passage of American troops to our territory, and in order that the proper resolution may be formed concerning those who are found guilty, giving a report of the result of the investigation.

The Citizen President instructs me to recommend to you anew that strict fulfillment be given to the orders issued by this department on the 18th of June last, in view of the order given by the Department of War of the United States to General Ord on the 1st of the same month and year.

Liberty and constitution.

Mexico, January 14, 1878.

The Citizen GERONIMO TREVINO,  
*Monterey.*

OGAZON.

## DEPARTMENT OF WAR AND MARINE.—SECTION 1.

Under this date your note of the 12th instant is transmitted to the Citizen General, Geronimo Treviño, accompanied by the translation to which it refers, in order that he may make at once the corresponding investigation, in order to ascertain who the official was that permitted and aided the passage of American forces to our territory, as is stated in the dispatch of General Ord to the general-in-chief of the North American Army, and to the end that the proper resolution may be formed concerning those who are found guilty, with the understanding that the said General Treviño be recommended anew to cause the strict fulfillment of the orders issued by this department on the 18th of June last year, in view of the order given by the Department of War of the United States to General Ord on the 1st of the same month. I have the honor to state it to you for your information.

Liberty and constitution.  
Mexico, January 14, 1878.

OGAZON.

The SECRETARY OF FOREIGN AFFAIRS, *Present*.

MEXICO, January 15, 1878.

True copies.

JOSÉ JUSTO ALVAREZ,  
*Chief Clerk.*

[Inclosure 2 in No. 662.—Translation.]

*Important communications.*

[From Diario Oficial, January 16, 1878.]

In the official column our readers will see the communications addressed by the department of foreign affairs to that of war, and also to General Treviño, in relation to the passage of American troops to our territory. The executive is resolved to make a severe example of the officer who may have failed to obey the instructions which should control the conduct of the forces which guard the frontier.

No. 339.

*Mr. Evarts to Mr. Foster.*

No. 457.]

DEPARTMENT OF STATE,  
Washington, March 23, 1878.

SIR: It is now several months since you were informed by the Department that the Government of the United States before recognizing General Diaz as the President of Mexico waited to be assured that his administration was approved by the Mexican people, and was possessed of due stability and animated by a disposition to comply with the rules of international comity and the obligations of treaties.

The information which you have communicated since that date in your successive dispatches in reference to the internal affairs of Mexico seems to show that General Diaz has been able to preserve peace for the most part in the country, and that his authority continues to be recognized, practically, throughout the entire republic.

As regards the disposition to comply with the obligations of treaties, it has been gratifying to the Government of the United States to observe on the part of the present authorities of Mexico an increased desire to preserve peace and good order on the frontier, and an endeavor to adopt more vigorous and efficient measures to repress border depredations and raids on the territory of the United States. The prompt payment of two successive installments of the sum awarded by the American-Mexican Claims Commission is also accepted by this govern-

ment as a substantial evidence of a disposition to observe treaty stipulations.

You state, however, that the government of General Diaz finds itself embarrassed in the discussion of pending matters of difference between the two nations, and placed under constraint in reaching a satisfactory settlement of those matters, by the absence of recognition on the part of the Government of the United States. If this view of the situation be honestly entertained by the Government of General Diaz, it is better for this government to waive its own preferences as to the fittest manner and time of adjusting the difficulties, sufficiently grave, which have prevented a good understanding with a sister republic with which we have so many interests in common. The President, animated by an earnest desire to remove every impediment to an adjustment of all disputed questions between the two governments, will, therefore, authorize you to inform Mr. Vallarta that he deems it no longer necessary or desirable to defer the resumption of diplomatic relations, and the official recognition of the authorities with whom you have so long held unofficial intercourse. You are authorized to say to Mr. Vallarta that henceforth your communications will be official and in the usual form with recognized powers.

You are also instructed to follow this act of recognition by inviting the Secretary of Foreign Affairs to enter with you upon a consideration of some permanent measures for the preservation of peace and the punishment of outlawry upon the frontier, the better protection of American citizens and their interests in Mexico, and the settlement of the various matters of complaint made by the Government of the United States. Your recent visit to this Capital has enabled you to become fully possessed of the views and wishes of the government in regard to those questions. Whenever new emergencies or change of circumstances shall occur requiring new or additional instruction in regard to them, you will be fully and promptly advised by the Department.

I am, &c.,

WM. M. EVARTS.

---

No. 340.

*Mr. Richardson to Mr. Evarts.*

No. 684.]

LEGATION OF THE UNITED STATES,  
Mexico, April 2, 1878. (Received April 22.)

SIR: The general topic of comment in political circles for the past ten days has been a change effected by General Diaz in his cabinet. This change took place on the 29th of last month, General Pedro Ogazon, of the War Department, being substituted by General Manuel Gonzalez, one of the most active leaders of the revolution and a personal friend of General Diaz.

The event has given rise to much newspaper speculation, and all manner of constructions have been placed upon the President's action, and some of the papers have predicted a dangerous ministerial crisis.

The general understanding is, however, that the change is a concession on the part of President Diaz to the radical revolutionary or pure Tuxtepec elements in his government. It has long been known that the members of the cabinet have not been in perfect harmony. Messrs. Vallarta, Romero, and Ogazon have, since its organization, occupied a

position strongly antagonistic to the pretensions and claims of the party known here as that of Tuxtepec. This latter party has been more especially represented in the cabinet by Messrs. Tagle and Garcia, Ministers respectively of Justice and Government, and is headed by Justo Benitez, one of the earliest and firmest friends of the revolution, and a man who is supposed to exert much influence over the mind of the President.

The measures advocated by this party are most of them violent. It makes the plan of Tuxtepec the highest law, and favors only the election to federal offices of pure "Tuxtepecanos." The calling of General Gonzalez into the cabinet is supposed to be a concession to this element and a corresponding defeat to the more liberal faction, headed by Mr. Vallarta. It has been predicted that Mr. Vallarta would be forced to resign as the result of this change, but there are no indications of a step of this kind in the near future.

As indicative of the public sentiment on the subject, I inclose to you herewith copies and translations of articles from the *Diario Oficial*, *Federalista*, and *Monitor Republicano*, organs, respectively, of the government, the Lerdist, and independent parties.

I am, &c.,

D. S. RICHARDSON.

---

No. 341.

*Mr. Richardson to Mr. Evarts.*

No. 685.]

LEGATION OF THE UNITED STATES,  
*Mexico, April 6, 1878. (Received April 22.)*

SIR: The second period of sessions of the present Mexican Congress was opened with the usual ceremonies on the 1st instant. I inclose to you herewith a copy and translation of the address pronounced on that occasion by President Diaz. In response to the President's allusion to the relations existing between Mexico and the United States, the Vice-President of the Chamber of Deputies, Mr. Francisco Lada, made use of the following language, which is said to have been loudly applauded by the members and spectators present:

It is to be regretted that up to the present time the pending questions with the United States have not had a solution, because such solution ought to cause the sincere friendship of two neighboring republics ruled by one system and by similar laws: but Congress believes that the Executive has, in the course of the negotiations, placed Mexico in the position to which she is called by her own dignity and strict justice, a position meriting the approbation and even the applause of the civilized nations, taking the ground that if Mexico desires and labors for harmony and the frank and loyal friendship of them all, she does not crave, nor will she ever crave, the recognition of her government, because she has the consciousness of right in the exercise of her sovereignty. Congress hopes from the intelligence and prudence of the Executive and from the good sense and justice of the republic of Washington that these questions will be settled before long in a satisfactory manner.

I am, &c.,

D. S. RICHARDSON.

---

[Inclosure 1 in No. 685.]

*Address of the President of the republic on the formal opening of the second period of sessions of the Congress of the Union, April 1.*

[From The Two Republics, Mexico, April 6, 1878.]

GENTLEMEN DEPUTIES, GENTLEMEN SENATORS: The republic will doubtless receive with satisfaction the intelligence of your reunion to-day, as it inaugurates the contin-



uation of your legislative duties at the time fixed by our fundamental charter. It is indispensably necessary, in order that you may continue your important labors, that you be made acquainted with the present state of the country; and this necessity, foreseen and provided for by the sixty-third article of the constitution, will be complied with in part with the report which I present to you of the condition of the different branches of the public administration.

Our relations with foreign powers continue peaceful and cordially friendly, and it may be asserted that, in general, they tend, in a marked manner, to become strengthened. With respect to the United States of America, the pending questions, of which Congress is already informed, have not been settled.

The Executive has thought to favor the interests of Mexico by accrediting, with the approbation of the Senate, legations to the Republics of Central and South America, the first having already commenced its duties and the second will soon be dispatched to its destination. The new *personnel* of the Mexican legation in Italy left for that kingdom in the latter part of January, and should at the present time have entered upon its official duties. Our legation for Germany will be sent off soon.

Concerning the interior condition of our country, it is satisfactory for me to inform you that the public tranquillity has been preserved unaltered. The powers of the States have exercised their functions with regularity, preserving the most perfect constitutional harmony with those of the Union. The Executive has fixed his attention in a special manner upon the hospitals and asylums of charity, and has the satisfaction to inform Congress that this department has improved notably in consequence of the important improvements introduced into the establishments by the laudable zeal of the executive committee.

The service of the mail department is in good condition and it is being constantly endeavored to improve it. Our communications with foreign parts have been made more easy and expeditious in virtue of the contracts celebrated with mail steamship companies of the Gulf and of the Pacific.

In the branch of justice I consider it my duty to call your attention to the initiative, which the Executive presented to you on the 2d of October of last year, the one required by article 93 of the constitution for the organization of the district and circuit tribunals, and the other provided for by articles 101 and 102 of the same constitution.

I recommend to you that after having made in both the modifications which your wisdom suggests, you raise them to the rank of laws as soon as other labors of preference permit it.

In respect to the branch of public instruction, I should inform you that on the 30th of last December a regulation was issued in which the necessary measures were provided for to make effective the abolition of the present system of boarding schools.

On the 24th of January of the present year another one was issued for the College *La Paz*, with the object of duly systematizing the studies in that institution; and a third one, on the 28th of the following February, for the secondary national school for girls, with a like object, and for the purpose of converting this establishment into a normal school for teachers.

During the six months just past, the peace enjoyed at present by the country has permitted some advancement in the pending labors of the Department of Public Works.

In order to facilitate colonization in Lower California a contract has been made with a Mexican company.

The labors for the formation and perfection of our statistics are carefully continued, concerning which the publications most necessary will soon be made. Geographical labors have also been commenced for the formation of a general chart of the republic.

In so far as the circumstances of the treasury have permitted, improvements have been introduced in the machinery, utensils, and edifices of the mints operated directly by the government.

Attention has been given to the repair of existing wagon-roads, and at the same time the necessary surveys have been made for their prolongation to the coast and for the opening of other new roads.

The arrangement made for the construction of the railroad across the Isthmus of Tehuantepec and others of this class will soon be submitted to you.

In virtue of the authorization which Congress was pleased to give to the Executive for the celebration of contracts relating to railroads with the governors of the States, he has made them with the States of Aguascalientes, Colima, Hidalgo, Jalisco, Michoacan, Oaxaca, Queretaro, San Luis Potosi, Tamaulipas, Vera Cruz, Yucatan, and Zacatecas.

Work is carried on with activity in the construction of a railroad, at the expense of the government, between the station of Esperanza and the city of Tehuacan, for the purpose of extending to other sections the benefits which the railroad from this city to Vera Cruz ought to produce.

Lastly, the concession granted to the railroad company of Mexico and Toluca, having been reformed, the latter has been able to extend its works to Cuantitlan, which branch will be formally inaugurated to-morrow.

The necessary works for the drainage of the city and valley of Mexico have progressed with activity.

In order to benefit by the facilities presented by the lakes situated in the valley of Mexico, in affording communication between various towns, the opening of a navigable canal was commenced on the 1st of January of this year between this city and that of Chalco, which canal will soon be completed; and with a like object it was determined to prosecute actively the labors commenced for communicating the lakes of Tamiagua and Pueblo Viejo, by the canal of Chijol, which will also be concluded soon.

Besides the renewal of the works commenced long since in the port of Manzanillo, others have been begun in those of Vera Cruz and Tampico. Those at Mazatlan have been finished, and the new mole will be placed at the service of the public to-morrow.

Some of these works are already approaching their termination, and their inauguration will take place on some of the coming civic holidays.

The pains taken to better the telegraph lines belonging to the federation have produced in all of them notable improvement, and secured the conclusion among others of those to Vera Cruz, Acapulco, Chihuahua, and Ciudad Victoria.

In the last months of the last fiscal year there was some delay in the payment of the civil and military lists, which was done with a proportionate reduction. During the present, the payments authorized by the estimate and subsequent laws have been made with all possible regularity, and without any discount. Nine months of the fiscal year have passed, and there is no reason to believe that this regularity will be altered in the three that are to come.

The second installment of the debt contracted with the United States of America, in consequence of the convention of July 4, 1863, was paid without the necessity of having recourse to unusual measures, if we except the patriotic assistance of the Mexicans, and principally of the civil and military employes, who have deposited and continue to deposit in the public treasuries the products of volunteer subscriptions destined to that object.

The sums ordered to be delivered to the States of Sonora, Sinaloa, Chihuahua, and the territory of Lower California by the law of December 6, 1877, to aid them to pass through the crisis which they have suffered in consequence of the loss of the crops, have been paid in their totality, as the Executive was convinced of the urgency of these payments.

It has also been possible during the present fiscal year to fund near a million dollars worth of credits against the nation.

All these and other heavy outlays have been made without having to make transactions ruinous to the nation, thanks to the system of economy and morality which has been established in the collection and administration of public funds.

In compliance with the precept contained in the article 69 of the constitution, the treasury department presented to the Chamber of Deputies, on the day designated by law, the proposed estimate for the next fiscal year, and the financial statement of the former year. Notwithstanding the disturbances suffered by the republic in that year, it was possible, at the cost of great labor, to present that statement, the formation of which, even in normal times and in perfect peace, has often been done by overcoming almost insurmountable difficulties.

Great national interests are intimately linked with the initiative relative to substitution of the toll-tax in the federal district, the free exportation of national products and the settlement of the public debt, which were presented to the Chamber of Deputies in the last period of its session by the Treasury Department. For this reason I consider it highly important to recommend them to your benevolent consideration.

The reorganization of the army has been continued, by disbanding some forces and by consolidating others, the result being that the army has been reduced one-fifth.

In the management of the army, measures contributing to moralize it have constantly been dictated, it being proper to mention the orders given for the formation of an administrative board for the military hospitals and the regulations for general depots of uniforms and equipments.

The committee of general officers appointed to form a new system of infantry tactics has terminated its labors and presented the respective report.

In respect to military justice, you will very soon be presented an initiative of a penal code and a code of proceedings which will be in harmony with our institutions, and assures to military judges the justification of their acts, and to the accused the exercise of their rights.

The establishments of construction have continued to be improved in a notable manner. The powder factory, at present being established in the edifice of Santa Fé, will be in operation before the end of this fiscal year, all the machinery having been purchased, part of which has already been put in its place.

The iron foundery at Molino del Rey is also about finished. With this improvement the war material of this class can be had in the future at a much lower price than heretofore.

Gentlemen Deputies, gentlemen Senators: The present session of Congress opens in the midst of general peace, and there is no fear that it will be disturbed.

The Executive, while manifesting to Congress his determination to give it all the support he should, hopes that on the part of the Chambers the co-operation indispensable to the fulfillment of his obligations will be rendered. In the harmony of the different departments that constitute the government consists the prosperity of the republic.

It is necessary that all the public powers combine their efforts for the preservation of peace. It would be an offense to your intelligence and to your patriotism to dwell upon this point, especially as the intimate contact in which you have been during the recess with the constituents whom you represent in the two Chambers must have afforded you an opportunity of observing that peace is the principal condition of progress and the first of their aspirations.

---

No. 342.

*Mr. Foster to Mr. Evarts.*

No. 701.]

LEGATION OF THE UNITED STATES,  
*Mexico, May 4, 1878. (Received June 6.)*

SIR: The Mexican Government owes a foreign debt amounting, approximately, to \$130,000,000, the bonds representing it being mainly held by British subjects, but a considerable portion is also in the hands of Americans, Spaniards, and other foreigners. No interest on this debt has been paid for many years, and up to the present the government has failed to make any arrangement or adjustment of any kind with its foreign creditors. The natural result has been that the bonds have become so depreciated that they have no market value whatever. During the past year advantage has been taken of this depreciation on the part of the government by the purchase at private sale by the secretary of the treasury of a considerable portion of these bonds.

So far as publication of these transactions has been made, the purchase appears to have been entirely of the Spanish-convention debt.

Similar transactions were had in the years 1868 and 1869; and the official journal of the government, in contrasting the two operations, shows that in the former years the purchase of the bonds cost the government 18½ per cent. of their face value, and that the purchases of the past year were at the rate of 4 per cent., claiming much credit for the present administration for the financial ability displayed in the recent "redemption" of the public debt, as it is termed, seemingly unconscious that its ability to purchase at a lower rate than in 1868 mainly grows out of the increased depreciation of the bonds, occasioned by the additional ten years' default of the government itself.

The purchase of government bonds in 1868 was the subject of correspondence between this legation and the Department of State in that year (see Diplomatic Correspondence, vol. II, 1868, pp. 417, 433, 446, 455, 475), when the questions of morality, good faith, and sound policy were referred to, and the views then expressed need not now be repeated. In view of the fact that at that date none of the debt thus dealt with was contracted with the Government or citizens of the United States, and of the earnest desire then entertained by us to do nothing to embarrass the newly re-established republican Government of Mexico, Secretary Seward did not consider that the United States were called upon at that time to protest against such transactions.

It appears, however, from the recent publication of the purchases made in 1868 and 1869, that they did include certain bonds sold and held in the United States, known as "Carbajal bonds."

These purchases were probably made by the Mexican Government after Mr. Seward wrote his dispatch of May 13, 1868, and the existence or knowledge of that fact might have modified its tenor. As the purchases of the past year do not embrace any of the bonds sold or held in the United States, the event may require no action on the part of our Government at present. Should I, however, receive information that the class of bonds sold and held in the United States are so treated, I will not fail to advise you. I inclose a copy of the official journal referred to above, containing a full statement of the transactions.

I am, &c.,

JOHN W. FOSTER.

---

No. 343.

*Mr. Foster to Mr. Evarts.*

No. 702.]

LEGATION OF THE UNITED STATES,  
Mexico, May 6, 1878. (Received June 6.)

SIR: Yesterday, according to established custom, was observed as a national holiday throughout the republic. It was also made the occasion of the inauguration of a number of public works or improvements and of the opening of others just completed. The most important of the latter was that of the wagon-road from the port of Tampico to San Luis Potosi. In former years Tampico was an important port for several of the interior States, but since the completion of the railroad from Vera Cruz to this city, making the latter the point of supply for the interior table-land, Tampico has lost almost entirely its maritime importance. It is hoped by the reported completion of the means of communication and transportation to the table-lands referred to that it will regain some of its former prosperity.

Several new telegraph-lines were also opened yesterday, the work on new railroads inaugurated, and in this city some new, scientific, and useful improvements completed.

Mention is made of these events to indicate the earnest desire which is manifested by the present administration to signalize its control of public affairs by the development of public improvements and by a marked advance in intelligence and general progress. The great need of the country continues to be the construction of railroads, which, owing to the prostration and poverty of the country, must be accomplished in a great measure with foreign capital, and as yet that appears reluctant to investment in the country.

I am, &c.,

JOHN W. FOSTER.

---

No. 344.

*Mr. Foster to Mr. Evarts.*

No. 703.]

LEGATION OF THE UNITED STATES,  
Mexico, May 7, 1878. (Received June 6.)

SIR: In my dispatch No. 645, of the 17th of December last, I referred to the passage by Congress and the submission to the States of amendments to the federal constitution prohibiting the re-election of President

of the republic and of governors of States for the next succeeding term. These amendments have been ratified by the States in the manner required by the constitution, and on the 5th instant they were solemnly proclaimed in this city as a part of the fundamental code of the republic. I inclose herewith a copy of the President's proclamation, embracing the text of the amendments.

I am, sir,

JOHN W. FOSTER.

[Inclosure in No. 703.—Translation.]

*Amendments to federal constitution prohibiting the re-election of President and governors.*

Porfirio Diaz, Constitutional President of the United Mexican States, to the inhabitants thereof:

Know ye that the Congress of the Union has decreed the following:

The Congress of the United Mexican States, in exercise of the faculty conceded to it by article 127 of the federal constitution, and prior to the approbation of the majority of the legislatures of the States, decrees articles 78 and 109 of the constitution to be amended in the following terms:

ARTICLE 78. The President will enter upon the exercise of his duties on the 1st of December and will remain in office four years, *he not being eligible to re-election for the next succeeding term, nor permitted to occupy the Presidency for any reason until after four years have passed since he ceased the exercise of his functions.*

ARTICLE 109. The States will adopt for their interior regimen the form of popular representative republican government, *and will determine in their respective constitutions the conditions under which the re-election of their governors shall be prohibited.*

The character of governor of a State, whatever may be the titles under which he may exercise the power, is incompatible in every case with his re-election for the following term. The local constitutions will make this provision necessary in such terms as the legislatures esteem proper.

Provisional. This declaration will be promulgated by national proclamation (*bando*) on the 5th of next May.

MANUEL ORTEGA,  
*Deputy for the State of Zacatecas, President.*  
PRISCILIANO M. DIAZ GONZALEZ,  
*Senator for the State of Morelos, President.*

(Here follow the names of the deputies and senators representing the different States.)

I accordingly order it to be printed, published, and circulated, in order that it may receive its due fulfillment.

Given in the National Palace of Mexico on the 5th of May, 1878.

PORFIRIO DIAZ.

No. 345.

*Mr. Foster to Mr. Exarts.*

No 712.]

LEGATION OF THE UNITED STATES,  
*Mexico, May 29, 1878. (Received June 12.)*

SIR: In the year 1877, the Mexican Executive made a contract with General William J. Palmer, of the United States, and Mr. James Sullivan, resident in this city, for the construction of a system of railroads from this city to the Pacific coast and to the frontier of the United States in Texas or New Mexico, and the contract has been pending in the present session of Congress for the requisite approval of that body.

It has encountered serious opposition, and up to the present all attempts to secure approval have failed, and the session is likely to close without any favorable action. The opposition attack the contract with two objections: First, the alleged want of responsibility and capital of the con-

tractors; and, second, the bad policy and danger to the country of conferring such privileges upon an American company and of extending railroad connections to the United States.

The latter objection has always been used by a certain class of public men in this country, who look with jealousy and fear upon any railroad connections with the United States, and it becomes the rallying-cry of all opponents of such enterprises, many of which persons are in fact influenced rather by personal than political reasons. As indicating the line of argument used in debate, I inclose herewith an extract from the speech of Hon. Alfred Chavero, one of the most prominent and intelligent deputies of the present Congress.

Since writing the above, and just as I close this dispatch, I have learned that the Chamber of Deputies voted to day almost unanimously to confer upon the President authority to contract for an *interoceanic* railroad, which is a movement designed not only to defeat the contract with General Palmer referred to above, but all railroads projected to connect with those of the United States.

I am, &c.,

JOHN W. FOSTER.

[Inclosure in No. 712.—Translation.]

OPPOSITION TO AMERICAN RAILROADS IN MEXICO.

*Speech of Hon. Alfred Chavero in the National Chamber of Deputies, May 22, 1878.*

[The first part of the speech is an attack upon the responsibility of persons who apply for the concession, charging that they do not possess or represent the pecuniary capital necessary for the enterprise, which, owing to its personal character, is omitted.]

The argument which I am about to make has already been made on another occasion by a man as patriotic as Mr. Lomus, one of the most valiant men whom I have known, and who has also been very cowardly when the future of the nation has been under discussion. It is a pleasure for me to be a coward in company with such valiant men.

I think, sir, that it is very poor policy, very injudicious, to establish within our country a powerful American company. Perhaps I should not venture to meet this question; but when I believe that I comply with my duty, although I fear for the good of the country, I have no fear of anything else. Let me suppose that this company is exceedingly rich; let me suppose that this company is going to build the railroad for us in five years, in five days; then I tremble at this, because we are going to establish within our territory an American influence.

I do not fear to speak of the American question. In the Senate and in the Congress of the United States they talk of our questions, and they are neither more valiant nor have they a better right than we to consider them.

The United States have at the present time *slight* difficulties with us; the gentlemen deputies see that I am kind and call them slight. It is very probable that in the future they will continue to have them, that they may even have graver difficulties. The whole nation has seen the attitude taken by the United States upon the change of situation, and how much time has been consumed in the recognition of our government; and they did it, not from good-will; and they did it, not as the result of our measures; but because a Senator named Conkling, an enemy of Mr. Evarts, in order to make war upon him, brought about the recognition of our government. And a question of internal politics, one of opposition on the part of Mr. Conkling and of adjustment on the part of Mr. Evarts, produced this recognition; it was neither kindly feeling nor the recognition of justice of our case which produced it.

It is necessary to speak the whole truth and it is known that difficulties are pending. In a former Congress a minister of foreign affairs of Mr. Juarez, who never had fear, presented these same observations, these same difficulties; there was no lack of deputies who called him a coward, and who said that in the United States the Republican party was in power, which was the friend of Mexico.

But we have seen during the administration of the Republican party that General Grant, our friend, did not hesitate to state in a message that the manifest destiny of the United States was to acquire territory. Very well; to-day things have changed; the Democratic party, our enemy, has such influence in the United States that it already has the ascendancy and influences Mr. Hayes himself, and Mr. Hayes has given us no other proof of regard than the postponement of our recognition for a year and a half. But I desire to think that the United States are our best friends and not to doubt that Mr. Hayes has the desire to always preserve a good understanding with

us; but are we Mexicans so inferior that we can see nothing but the present hour and have no thought for the future?

There are two severe laws in history and these laws are not to be forgotten. The first is this: Border nations are natural enemies. A certain English writer said, "Happy Great Britain, that has no other frontier than the seas;" and without referring to history but considering only contemporaneous acts, who despoiled France of a section of territory? The bordering nation, Germany. Who is invading Turkey at the present time? The bordering nation, Russia. Why are preparations being made for a war between England and Russia? For the border possessions of Asia, possessions of England and Russia. What war is there between Spain and Switzerland, between Italy and Russia? None. It is a natural law of history that border nations are enemies. They may appear to be very friendly in their relations, because one fears the power of the other on account of its superior diplomacy or of its peculiar policy; but at the bottom, naturally, in conformity with the laws of history, border nations are enemies.

And this is so true, gentlemen deputies, that at the present time we have no difficulties either with England, which we do not recognize, nor with France, with whom our relations are severed, nor with Austria, for whom we have shot an archduke; but we have them with the United States, the border nation on the north, and with Guatemala, the border nation on the south.

Hence, sir, the United States, according to the law of history, are naturally our enemy. What ought we to do? Be always strong, be always prepared, even in the moments of greatest friendship with them. Because we do not know what may come later on, what difficulties may take place. And will it be prudent in this case to place the enemy within our house? Is it bravery in a general to let the enemy get in his rear, or is it imprudence? And we are here, sent by the people, to be prudent, and to watch for their well-being and for their future.

There is also another law in history: Nations of the north necessarily invade the nations of the south. Let the history of the emigrations of the different races be read from prehistoric times, and the nations of the north will always be seen tending to conquer the nations of the south. Unfortunately, we do not need to recur to foreign histories; a rich part of our territory has become the prey of the United States; and we do not wish to learn, nor to open our eyes! Hence, if, in accordance with the laws of history, we should always fear the United States, what are we to do? Strengthen ourselves. What are we to do? Unite ourselves. What are we to do? Progress, and progress in such a manner that there will be no danger for us not establishing within our territory an American company which will have a most powerful influence.

We have seen that a hundred leagues of railroad from here to Vera Cruz have given such influence to the English company that many times this very influence has been sufficient to decide the votes of the Chamber, and shall we be so insane as to consent to the establishment of an American influence by a company which will embrace the whole country, as the committee has said, all our sections and all our roads? What a powerful influence that would be! And could not this powerful influence be converted into a hostile influence? What would all the advantages which the railroad may bring to the States be worth then?

You, the deputies of the States, would you exchange your beautiful and poor liberty of the present for the rich subjection which the railroad could give you? Go and propose to the lion of the desert to exchange his cave of rocks for a golden cage, and the lion of the desert will reply to you with a roar of liberty.

We desire material improvements; we have approved of the general idea of the construction of the railroad; but we do not wish to subject ourselves either to the ridicule of granting this railroad to a company which has not the necessary funds, nor to a danger for the independence and the future of the country.

For this reason, I pray you, gentlemen deputies, to reject the article discussed. The committees at the most offer you riches for the country; I beg you for liberty. [Applause of the deputies and in the galleries.]

No. 346.

*Mr. Foster to Mr. Evarts.*

No. 729.]

LEGATION OF THE UNITED STATES,  
Mexico, June 17, 1878. (Received July 1.)

SIR: Since writing my last dispatch, and just before closing my mail for the steamer, I had a call this afternoon from Hon. José M. Mata.

who informed me that he had been invited by the President to accept the position of secretary of foreign affairs, and that before determining his answer he desired to have a conversation with me. He said that he regarded the matters pending with the United States as the only serious questions in the foreign office, and if there was a reasonable prospect of an early and amicable adjustment of them, it would aid him materially in deciding the President's invitation, as he was unwilling to accept the office if our negotiations were likely to prove a failure. He said he had given no attention to public affairs since his return from the United States, and he desired to know my views of the state of my negotiations with his government.

I expressed my conviction, in general terms, that there were no good reasons why an amicable adjustment could not be reached, and stated that I would be much gratified to have the opportunity to treat these questions with him (Mr. Mata). I only referred in detail to the frontier question, which, in view of the continuance of the Indian raids, I said was of urgent importance.

After some general conversation on the subject of our relations, Mr. Mata took leave, saying he would devote to-morrow to an examination of these questions in the foreign office and would call to see me again on the day after to-morrow. I hope, therefore, to be able at an early day to renew the consideration of pending matters, of which I will keep you fully advised.

I am, &c.,

JOHN W. FOSTER.

No. 347.

*Mr. Foster to Mr. Evarts.*

No. 733.]

LEGATION OF THE UNITED STATES,  
*Mexico, June 26, 1878. (Received July 15.)*

SIR: The fact that the Mexican Senate has, in secret session, taken some action in regard to permission for the crossing of American troops into Mexican territory has been made public in the opposition press, and is the occasion of very severe attacks upon the administration. The *Diario Oficial*, the government organ, has denied the charge that a *treaty* has been entered into, and while it has sought to mislead the opposition press as to the action of the Senate, it has been careful to conceal what was the real action of that body.

I inclose one of the most temperate articles which has appeared on this and other supposed pending questions with the United States, taken from the *Monitor Republicano*, an independent paper, and which is a pretty fair expression of the prevailing public sentiment.

I am, &c.,

JOHN W. FOSTER.

[Inclosure in No. 733.—Translation.]

*The questions with the United States.*

[From the *Monitor Republicano*, June 25, 1878.]

We should, then, consider the entrance of Mr. Mata into the department of foreign affairs as an event without political signification, but as having certain importance on account of the serious questions which are to be treated. After sounding public opin-



ion, we can say to Mr. Mata that any arrangement with the Government of the United States which may offend the dignity of the nation, wound the susceptibilities and the rights of the Mexicans, injure their interests in the present or compromise them in the future, will be unanimously rejected throughout the whole country and may precipitate a civil war. Discontented parties will make use of a concession which may be simply a measure to preserve order as a party pretext.

As the secrets of diplomacy are impenetrable, we can state nothing with certainty, but our duty compels us to give attention to the rumors in public circulation and analyze them.

The subjects of controversy are various which are contained in the demand of the American Government, and which are in accordance with the desires of the Texans, the eternal enemies of Mexico: the passage of American troops to our territory in order to follow up marauders with the co-operation of the Mexican forces; the abolition of the Free Zone; the exemption of American citizens from extraordinary taxes; pecuniary indemnifications for injuries suffered in consequence of the revolutions and of marauders.

The most serious, the most important, of these points is, without any doubt, that which treats of the passage of our frontier by American troops, since the integrity of Mexican territory is being constantly threatened by the expeditions of American Federal troops, by the recruiting of Texan forces, by the frequent filibustering plans, by the projects for the conquest and annexation of five of our principal frontier States, projects conceived and supported by the American press. No; it is not possible for the Mexican Government to permit the troops of the United States to pursue marauders within our territory, even when it may be in combination with our troops.

We have said it on other occasions when the instructions to General Ord were being discussed, and we repeat it now, that we do not consider it degrading for the United States nor for Mexico to make an arrangement by which both governments bind themselves to punish robbery, murder, and all the depredations of the barbarous Indians and of the civilized inhabitants of both frontiers, even when for this purpose the invasion of the two territories is stipulated. When there is reciprocity there can be no offense imputed to any of the contracting parties. Such an agreement would not be degrading, but it would be highly dangerous. How can we believe in the good faith of the American Government when hardly yesterday Mr. Hayes, disregarding the faith of treaties, and inaugurating a hostile policy, was provoking us to war? How can we forget that if the conflict did not break out we owe it to Congress, to the opposition party, and to the good sense of the American people? We would be unjust if we did not acknowledge that among that people and in both legislative chambers there are honorable men who do us justice and who sympathize with our misfortunes.

Senator Morgan is there recommending to his government the cultivation of friendly and commercial relations with Mexico, proposing that the present limits between our republic and that of the United States be guaranteed as permanent and inviolable. And when a Senator, who represents nothing less than the State of Alabama, considers our fears just and natural, and asks a *solemn declaration which will insure respect for the inviolability of our frontier*, because he considers it necessary and indispensable for the establishment of confidence and frank relations between the two countries, are we going to permit the passage of American troops to our territory without any guarantees whatever?

The faith of treaties is suggested to us. What are treaties worth to the colossus of the north? Did they not exist in 1836, when it favored the independence of Texas? Did they not exist in 1848, when it despoiled us of the half our territory?

We are glad that we are not the only ones in believing that a declaration guaranteeing us from all temptation of conquest or annexation on the part of the American Government should precede any agreement for giving security to the frontier. On the contrary, if such a declaration should not precede an arrangement, an accidental encounter between American and Mexican forces in our territory would give rise to a conflict which would be a pretext for war. Our troops exercising the same right which we would concede to the Americans upon crossing to the neighboring territory would be received with shots by the hostile Texans.

We are as fully convinced as anybody of the necessity of extirpating murder and robbery upon both frontiers; of giving security to their inhabitants, and that, in order to secure this, it is necessary to resort to a combination between the two governments; but in regard to so thorny a question we think that the will of the nation should be consulted through all practicable mediums.

The abolition of the free zone demanded by the American Government, if consented to, would place the country upon a level with the Turkish Empire, in making our autonomy doubtful. This question is at present pending resolution in Congress, and from it we hope that it may be resolved, not in favor of the interests of the neighboring country, but in favor of our frontier population.

To exempt foreigners from extraordinary taxes would be equivalent to placing natives in a worse condition than that of the former, when both have in our country an equal right to the protection of the laws. It is not for the neighboring nation which

does not permit foreigners to acquire real estate, but does grind them down with heavy taxes in order to pay the war debt, to demand of us that exemption.

We would renounce our autonomy if we should accede to that demand.

A government combated by revolutionists, and obliged to maintain order, would have no right to create the resources necessary for an object so important even when it had received the necessary authorization from the legislative power.

That right would only be recognized with respect to citizens, but not with respect to foreigners, whose lives and property the government guarantees in preserving order. It is well that the military chiefs and employés of the government should not make extensive use of that authorization, which they have abused and will abuse, imposing forced loans and arbitrary requisitions. We are all agreed that a limit should be placed upon these abuses which we acknowledge have been frequent, although in a certain proportion falling heavier upon our citizens than upon the foreigners; but it is known that the government is responsible for them.

The pecuniary indemnification for which the Texans have clamored so loudly, in order to make their own fortunes and secure by their claims the necessary capital for acquiring the northern Mexican States, should not, in our judgment, be taken into consideration.

Writers on international law recognize that a government is not under obligations to indemnify the injuries caused to foreigners by factions in a civil war. With regard to the injuries suffered by the inhabitants of the frontier, either from cattle-thieves or from barbarous Indians, it is impossible to estimate them, and as one government is as impotent as the other to give them protection and security, we do not see what claims the Americans would present which we could not present in turn. In a few words we have examined the points of controversy in the treaty which it is desired to celebrate between the American and Mexican Governments; but in doing so, we have been guided by public rumor and not by any official data or information. We do not guarantee anything.

---

No. 348.

*Mr. Foster to Mr. Evarts.*

No. 740.]

LEGATION OF THE UNITED STATES,  
*Mexico, July 15, 1878. (Received July 25.)*

SIR: I received on yesterday a note dated the 12th instant from the secretary of foreign affairs of the Mexican Government, of which I inclose you a copy and translation, informing me that the Mexican minister in Washington had been instructed to make an energetic protest against the recent crossing of American troops into Mexico. The secretary states, that in view of the fact that I have been charged with the prosecution of the negotiations pending for the settlement of the difficulties of the frontier, the executive thought proper to communicate to me the fact of said protest, and he proceeds to express the possibility, that the crossing of the American troops may result in changing the course of the negotiations, and, if persisted in, may make it impossible to reach a peaceful solution on the part of Mexico.

In acknowledging receipt of said note to-day, I have limited myself to the references made by the secretary to this legation and the questions directly connected with the state of negotiations.

Awaiting your further instructions, I am, &c.,

JOHN W. FOSTER.

---

[Inclosure 1 in No. 740.—Translation.]

*Mr. Mata to Mr. Foster.*

DEPARTMENT OF FOREIGN AFFAIRS,  
*Mexico, July 12, 1878.*

MR. MINISTER: On the 1st of the current month the President received a dispatch from the governor of Coahuila, in which he is informed that, according to official

data, on the 17th of last June. an American force had arrived at Remolino, Rio Grande district, State of Coahuila, which took possession of sixty head of cattle, destroyed three *sanegas* of cultivated ground, and burned fences and plows, causing great alarm in the vicinity.

Although all these details have not yet been confirmed, except in part, new official communications, confirmed by the statements of the press of the United States and of the Mexican frontier, no longer permit a doubt concerning the principal fact, which is, that about the middle of last month a new invasion of Mexican territory was carried into effect by troops of the United States under the command, as it seems, of General Mackenzie and of Colonel Shafter, which troops came prepared, judging from their elements of war, to make an extended expedition and to cope with an enemy more powerful than the savages.

In view of such news the President has already issued decisive instructions to the minister in Washington, to the end that he may present to the Department of State an energetic protest against such unjustifiable invasion and ask reparation for the damages caused by it to Mexican citizens.

At the same time the President has instructed this department to address a note to your excellency in regard to an affair so disagreeable, with the object that the legation of the United States may bear new testimony to its government of the profound displeasure with which that of Mexico has received this recent outrage done to this country, and considering also the fact that said legation is charged with the prosecution of the negotiations pending for the settlement of the difficulties of the frontier, the executive has judged it proper that it be opportunely informed of the grave incidents which are connected with those questions, for perhaps the lamentable course which affairs are taking, owing to the conduct of the American troops, may end by compelling the Government of Mexico to give to the pending negotiations a different direction from that which it had proposed to adopt, with the best disposition and the most perfect good faith.

This department has improved every opportunity to cause the Department of State to understand that such repeated and unjustifiable invasions of the territory of Mexico, profoundly wounding the nation's sentiment, so vehemently and deeply rooted in the Mexicans, would make more and more difficult the peaceful solution of the questions pending between the two republics, a solution which already seemed near, efficacious, and durable.

To-day I again insist with your excellency upon this most important point, informing you that if the outrages done to Mexico should continue, the government will find itself unable to realize its purposes of arriving at a pacific solution in harmony with the dignity and interests of both countries, an impossibility which will arise as well from its obligation to preserve the decorum of the nation which it represents, as from the just demands of public opinion, which would not be satisfied with the repeated excuses of the American authorities and officers to the effect that they intend no wrong against the territory or sovereignty of Mexico, but that it is desired simply to pursue the barbarous Indians and the cattle-thieves of the Bravo (Rio Grande).

These considerations are, without doubt, of marked importance as bearing relation to the positive and material interests of both countries; but if from these we pass to others of a higher order, as those which are founded in equity and justice, and which are above all interests and above all political policy, these acts not only cannot be justified, but still less, the hostile conduct of the United States cannot even be explained consistently with their calling their republic a sister.

It is undeniable that bands of savage Indians proceed from both countries who carry desolation and death to the territory of the neighboring nation; nor is it less deniable that from both banks of the Bravo, bands of cattle-thieves and robbers cross over to the opposite side; and it is impossible to comprehend how and why, the two border republics being able to make like charges, the one pretends to have the right to declare itself judge and party, dealing out justice to itself with its own hand, and demanding a responsibility of the other which should be common.

Neither your excellency nor your government can deny that within the past few months numerous bands of conspirators, under the direction of persons formerly arraigned, have collected, armed, and organized in the territory of the United States, without the authorities of the latter having prevented their meeting, organization, and passage to Mexican territory. Neither will you be able to deny that upon the defeat of the revolutionists in Mexico, they have recrossed to American soil, where they have repaired their reverses, in order to cross again to their own country to continue their raids of devastation and extermination. And it is to be noted, because it is a most eloquent fact, that while the savages and the cattle-thieves undertake their excursions, setting out from unpopulated regions, and without the authorities knowing not only of their movements but not even of their purposes, the revolutionists have organized in the populated parts of Texas, and even in certain of her principal cities.

The organization in Texas of those disturbances of the public peace of Mexico and their passage to Mexican territory, are an undeniable and unimpeachable proof (since

they should not be attributed to a bad disposition on the part of the American Government) of the inability, not of the impotence of both governments to guard a frontier so extensive and unpopulated as that which separates the two republics; and if this inability is already demonstrated with respect to the United States—a country peaceful, prosperous, and overflowing with elements of all kinds—to prevent the expeditions which are organized in populated regions, its government should entertain sentiments of great equity toward Mexico when incursions are considered which are prepared in the desert by savages or cattle-thieves, and be less demanding with its present administration, which, according to the words of the honorable Secretary of State, transmitted by your excellency in your note of the 9th of April last, has shown “an increased desire to preserve peace and good order and an endeavor to adopt more rigorous and efficient measures to repress border depredations and raids on the territory of the United States.”

In recording these solemn statements, I cannot do less than bring to my memory, and present to that of your excellency the assurance with which the honorable representative of the United States in Mexico ended his said note of April 9. “I will omit no effort on my part,” said your excellency “to secure a satisfactory adjustment of pending questions, and to re-establish the relations of the two republics on the basis of reciprocal justice, cordial friendship, and a due regard for the dignity and the rights of both nations.”

Unfortunately neither the laudable protestations of your excellency nor the sincere and loyal efforts of the Government of Mexico have been seconded by the troops of the United States, to whose arbitration, it seems, not only the solution of the pending negotiations has been left, but even the destiny of the two republics.

My government, nevertheless, does not despair. It believes and hopes, on the contrary, that your excellency, being acquainted, from your long residence in this country and from your own experience, with the temper of Mexican people and the honorable views of its government, will regard the occasion as having arrived to employ your efforts in giving to the Government of the United States the assurance that measures of conciliation will be more efficacious in arriving at an equitable settlement of pending difficulties than these repeated acts of violence, which cannot merit the approbation of any mind endowed with the sentiments of rectitude and justice.

Your excellency will be pleased to accept, in the meanwhile, the profound consideration with which I sign myself,

Your excellency's obedient servant,

J. M. MATA.

---

[Inclosure 2 in No. 740.]

Mr. Foster to Mr. Mata.

LEGATION OF THE UNITED STATES,  
Mexico, July 15, 1878.

SIR: I have had the honor to receive your excellency's note of the 12th instant, in which is communicated to me the fact that a force of American troops crossed over into Mexican territory during last month, and, it is alleged, took possession of sixty head of cattle and destroyed a small amount of property in the State of Coahuila.

As I have received no information from my government of the event referred to, and for the reason that your excellency informs me that the Mexican minister in Washington has been given decisive instructions to present to the Department of State an energetic protest against the said acts, I do not deem it proper at this time to enter upon any reply to your excellency's observations in regard to the recent crossing of American troops.

It is however due, from a just respect for the views of your excellency, as well as to the position of this legation, that I should notice some of the statements contained in your said note.

Your excellency says that the Executive of Mexico has thought it proper, in view of the fact that this legation has been charged with the prosecution of the negotiations pending for the settlement of the frontier difficulties, that it should be opportunely informed of the profound displeasure with which the Government of Mexico has received the recent outrage done to the country; that, on account of this lamentable event, that government may be compelled to change the course of those negotiations; and that, if the outrages continue, it may be unable to reach a peaceful solution in harmony with the decorum of the nation and the just demands of public opinion.

It would be to me a source of profound regret if the Government of Mexico should deem it necessary to suspend or change the course of the present negotiations, or should think it impossible to reach a peaceful solution of existing difficulties; and I cannot regard the adoption of such a course as at all justified by the recent crossing of American troops into Mexican territory. Immediately after the recognition of the govern-

ment of President Diaz by that of the United States, in the first interview which I had with the late secretary of foreign affairs when our official negotiations were initiated, I informed the secretary that the instructions of the Secretary of War of the United States of June 1, 1877, could not be withdrawn until the Government of Mexico adopted some measures or entered with the United States upon some reciprocal agreement, which would make the existence of such instructions unnecessary; and that, if the Indian or cattle raids continued, the instructions would have to be placed in execution, and that American troops would follow the raiders into their places of refuge in Mexico. I also urged upon the said secretary the importance of prompt action in reaching a settlement of the frontier question in view of the constant danger of the recurrence of murderous Indian incursions to prey upon the people of Texas. But I regret to say that, although three months have passed, no adequate measures have been taken and no definite proposition has been made by Mexico to properly settle the frontier difficulties. I would gladly share with your excellency in the belief, which your note seems to express, that the pending questions were so near an efficacious and durable solution when the recent crossing of American troops occurred.

Up to the present time the Government of Mexico had declined to submit any written proposition whatever to this legation for an adjustment of the border troubles, and the verbal statement which your excellency has made to me was coupled with a condition which, as I expressed at the time, makes it difficult if not entirely impracticable for my government to entertain it.

It is well known that since the initiation of our negotiations several Indian raids have occurred from Mexico into Texas, more murderous and destructive in their consequences than for several years past. I cannot understand, therefore, why the executive of Mexico should consider that the recent crossing of American troops might make it necessary to change the course of pending negotiations, or cause it to think that a peaceful solution of them would be impossible, when they were commenced upon a notification that the event referred to would occur in the threatened contingency of Indian or other raids taking place.

I coincide with your excellency in the statement that during recent years bands of savage Indians have proceeded from both countries and have carried death and destruction into the territory of the neighboring nation. But I also desire to add that the Mexican troops have always been permitted to follow these enemies of our common civilization whenever they have sought a refuge in American territory, and have been welcomed and aided by the troops and citizens of the United States. These facts can readily be attested by the governors and military officers of the frontier States of Sonora and Chihuahua, during the administration of Presidents Juarez and Lerdo.

On the other hand, I desire to dissent from the statement which your excellency has joined to the foregoing, that cattle-stealing is carried on from both banks of the Rio Grande. In 1875, under express instructions from the Secretary of State of the United States, I made a positive and wholesale denial of this charge, and challenge, the Government of Mexico to present any proof to the contrary, and on the 23d day of June, 1877, I repeated that denial in writing to the government of President Diaz, and it has been made public in both countries. Up to the present date this legation has not been furnished by the Mexican Government with a single fact to disprove my denial. I am, therefore, surprised that your excellency should make such an assertion unaccompanied by proofs to sustain it.

On the subject of the frontier troubles my government does not exact of Mexico what it is not willing to grant to that government, as your excellency seems to intimate. I have already referred to the manner in which the crossing of Mexican troops in pursuit of savage Indians, in times past, has been received in the United States. And my constant effort, since the establishment of the government of General Diaz, has been to make some reciprocal arrangement for the pursuit and punishment of outlaws upon the border, proposing to concede to Mexican troops the same privileges which were asked for those of the United States. But my efforts thus far have been unavailing.

It may be true, as your excellency sets forth in your note, that to a limited extent bands of Mexican revolutionists have crossed over from Texas into Mexico with the object of overthrowing the existing government of this country, and after their reverses have fled to the territory of the United States in order to cross again to their own country to continue their attacks upon the existing order of things. But in setting forth so minutely the alleged state of recent events on the Rio Grande, your excellency, unintentionally perhaps, has described with perfect accuracy the experience and treatment had by the present chief of the Mexican Republic on the same frontier only two years ago. It was at that time notorious that General Diaz had left his own country and established himself openly in the chief American city on the Rio Grande, where, in sight of the forces of the constitutional government, which had sustained with that of the United States relations of friendship uninterruptedly for more than sixteen years, he had organized his revolution; that from thence he crossed into Mexico and sought to put that revolution into execution; that after his disastrous reverse,

he recrossed on to American soil and recommenced his efforts at revolution; and that, but for the protection which he received under the American flag on board an American vessel, in front of a Mexican port, even when the troops of the constitutional government had surrounded him, he would probably not now be in the executive chair to cause to be denounced the "conspirators" who, it is complained, from their place of refuge in the United States have been allowed to carry "devastation and extermination to their own country." He fully understands how a Mexican leader can successfully organize a revolutionary movement in American territory without violating the neutrality laws, and how difficult it is for the government to prevent such movements.

Your excellency does justice to the United States in not attributing the occurrence of these revolutionary events to the bad disposition of my government. It looks with disfavor upon all revolutionary movements which are sought to be organized in its territory against the recognized Government of Mexico, and does all within its power, consistent with the right of political asylum, to repress such efforts in violation of its neutrality laws. Revolutions and revolutionary changes of government in Mexico never fail to bring trouble and embarrassment to the government and citizens of the United States.

The history of the Rio Grande frontier in Mexico for nearly a generation past has been one of almost uninterrupted revolution, disorder, or suspended civil and federal authority; so that the occurrences of the past few months are not unusual events with which the American authorities have had to deal. It is not strange, therefore, when the lives and property of the citizens of Texas are repeatedly sacrificed, and when the Government of Mexico is either unable or neglects to repress the Indian raids, that the Government of the United States should make some earnest efforts to protect its own citizens and punish the savage outlaws, even if in so doing it should become necessary to cross into Mexican territory. And I must protest against such an act being alleged as the cause of breaking off or changing the course of our negotiations, or as making a peaceful solution impossible on the part of Mexico.

I have very freely and repeatedly recognized the efforts of the present administration of Mexico toward the suppression of the cattle-stealing on the lower Rio Grande, and my government was gratified to refer to these efforts as a reason for the recognition of that administration; and if the same measures had been taken on the upper Rio Grande to repress the more murderous and destructive Indian incursions, there would have been no occasion for the recent crossing of American troops, of which your excellency so strongly complains.

I am thankful for the kind terms in which reference is made to my efforts to reach a settlement of existing difficulties, and am highly flattered by the appeal which is made to me to represent to my government the temper of the Mexican people and the honorable views of its government.

I have not failed to communicate to the Secretary of State at Washington the existing state of public sentiment in Mexico, and the embarrassment which attends the present administration in dealing with the questions pending between the two countries.

It has been my constant study to promote and secure peace and cordial friendship between the two republics, and I will continue to labor for those much desired ends. But your excellency must allow me to frankly express my disappointment that my efforts in this direction have not been more decidedly and promptly seconded by the Government of Mexico.

It is well known that the revolution carried on by General Diaz occasioned several grave complaints on the part of the Government of the United States, involving not only the frontier but the honor of its flag, the privileges of its official representatives in this country, the safety of its marine commerce, and the violated rights of the persons and property of American citizens in Mexico.

Ever since the success of the revolution and the establishment of its government, I have been using constant and persistent efforts to secure a settlement of all these disagreeable and serious complaints. But I have been met by delays, postponements, denials of justice, or absolute rejection of the just demands of my government, and up to the present date I have not been able to obtain a satisfactory settlement of a single one of these questions.

Your excellency must allow me to say that these facts do not enable me to represent to my government in the most favorable light the good disposition of that of Mexico.

I will communicate your excellency's note to the Secretary of State at Washington by the first opportunity, and, awaiting his instructions, I remain, with sentiments of very distinguished consideration, your obedient servant,

JOHN W. FOSTER.

No. 349.

*Mr. Foster to Mr. Evarts.*

No. 741.]

LEGATION OF THE UNITED STATES,  
Mexico, July 17, 1878. (Received August 12.)

SIR: A case of considerable importance has recently been discussed and decided in the Mexican federal supreme court, involving the interpretation and enforcement of the extradition treaty of 1861 between the United States and Mexico. During the year 1877 the authorities of Texas applied to the authorities of the State of Tamaulipas, Mexico, for the extradition of two persons, Dominguez and Barrera, charged with murder. They were arrested and their delivery ordered by the federal executive, through the department of war. But the prisoners applied to the district judge of Matamoros for *amparo* or protection, a proceeding somewhat similar to our writ of *habeas corpus*, which application the judge sustained, a decision based upon the ground that, as Mexican citizens, extradition would be a violation of the individual guarantees of the federal constitution. An appeal was taken by the prosecuting attorney from this decision, and the case was thus brought before the federal supreme court.

After a lengthy discussion of the case, and a consideration of all the constitutional, international, and political questions, either involved or introduced, in which almost all the magistrates of the court participated, the decision of the district judge of Matamoros was reversed, and the court decided, by a vote of 9 to 5, that the individual guarantees of the Mexican constitution would not be violated by the extradition of the criminals. It appears from the discussion that the Mexican citizenship of the prisoners was alleged but not proven.

In order that you may know the points discussed by the court, I inclose herewith the opinion pronounced by Magistrate Ramirez, which presents the views of the minority of the court on the constitutional questions involved; also an extract from the opinion of Magistrate Bautista, of the minority, to show to what extent the unsettled relations of the two countries affect even the discussions of the highest judicial tribunal of the nation; and the opinion of the president of the court, Señor Vallarta, who was secretary of foreign affairs at the time the extradition in question was ordered, and who sustains at considerable length and with ability the constitutionality and propriety of that act.

I am, &amp;c.,

JOHN W. FOSTER.

[Inclosure 1 in No. 741.—Translation.]

*Opinions of magistrates of Mexican supreme court on case of extradition to American authorities.*

## OPINION OF MAGISTRATE RAMIREZ.

Two individuals, natives of Mexico, and who, it is said, have resided more than four years in the United States, have been demanded by the authorities of Texas, being accused of having committed in that foreign territory a horrible murder. The presumed criminals have asked protection (*amparo*), because, not being included in the laws of extradition, they should neither be delivered to a foreign authority nor can they be retained as prisoners without a scandalous violation of their individual guarantees.

The accused plead in their favor the last part of article 6 of our treaty of extradition with the United States, which says: "Neither of the contracting parties shall be bound to deliver up its own citizens under the stipulations of this treaty."

They also state that their Mexican origin being unquestionable, it has not been possible for them to lose their nationality except in accordance with the convention celebrated between Mexico and the United States, which declares: "Citizens of the Mexican Republic, who have become citizens of the United States and who have resided uninterruptedly in the territory of the United States for five years, shall be held by the Republic of Mexico as citizens of the United States and shall be treated as such." From which the interested parties infer that in order to demand them the authorities of Texas should have proved their naturalization in the United States, and uninterrupted residence there for five years; and the demand not being based upon these proofs, they are in the full enjoyment of their rights as such Mexican citizens, and may ask protection for their violated guarantees. Certain Mexican authorities are not favorable to the present criminals, and to the pleas of the latter they reply: 1st, that the complainants should prove their Mexican nationality, or, at least, that they are not citizens of the United States, if the evidence of the declaration of a Mexican officer exists against them to the effect that they have resided more than four years in the United States; and, 2d, that by the part quoted of article 6 the Mexican Government is authorized to deliver up its own citizens when it thinks proper.

Such is the condition of the question submitted by appeal to the resolution of the supreme court of justice. In so far as I am concerned, I will state in a few words the grounds upon which I cast my vote.

It pertains to the authorities of Texas to accompany their demand with proof that the supposed criminals are North American citizens, it being presumed that upon this ground they are considered subject to the jurisdiction of those authorities; these proofs do not exist. All else which appears in *pro* or *con* in the proceeding is neither sufficient or necessary. Thus it is that the justice of the Union has to depart from this incontestable fact. The complainants, natives of Mexico, have not lost their nationality, and they cannot be considered as foreigners until the contrary is proved in accordance with the convention of July 10, 1868.

I think also that while our federal constitution and the extradition treaty of December 11, 1861, are in force, the executive power cannot consent to the extradition of any Mexican citizen.

By article 15 of the federal constitution, neither treaties nor conventions can be celebrated which alter the guarantees and the rights of man and the citizen. For the same reason, if article 6 of the convention between Mexico and the United States should be doubtful, it could never be interpreted to mean that by the same article the Mexican Executive was authorized to deliver Mexican citizens or not as it thought proper. This discretionary faculty would be contrary to all the individual guarantees, and especially to those specified in articles 13 and 19, if the executive and its agents could arbitrarily submit citizens to an exclusive law, to a special tribunal, and detain them indefinitely in prison.

Cases of extradition are exceptional in the law of nations, and for this reason they should be restricted scrupulously to the terms of the treaties; in the latter a government is under no obligations except in so far as it appears positively from the law under obligations. In the case under consideration, the act of delivering a citizen to a foreign nation is so very delicate that the extradition may be null, even after its consummation. Billot says, "Error is cause for nullity when it affects certain personal attributes which make the individual claiming a personal guarantee against extradition. Thus it is a rule of conventional law that natives are not subject to extradition. \* \* \* Let us suppose that the state upon which the requisition is made authorizes the delivery of the individual claimed, and that afterward it discovers that this individual is one of its citizens. \* \* \* The error then affects the important rights of the object of the contract; this is nullifiable, and the government upon which the demand is made has the right to demand the restitution of the individual delivered."

Bluntschli, in his codified international law, article 399, expresses himself in these terms: "A state is never obliged to extradite its own citizens or to deliver them to the state in whose territory they have committed a crime."

Positive law, which is that which operates in treaties of extradition, likewise sanctions this principle. "Citizens are not subject to extradition." Such noteworthy conformity authorizes us to decide that the Mexican Government lacks the faculty to deliver our citizens to the United States.

I am not ignorant of the fact that certain writers desire that natives be made subject to the laws of extradition, but their doctrines have only amounted to private opinions, and much less are they considered as laws; the reasons upon which they are based may be considered by legislators upon celebrating a treaty; but when in the latter common principles have been departed from, there is no doctrine which may supplant the obligatory causes of the convention celebrated with the United States, and much less should our individual guarantees be sacrificed to the opinions of certain writers.

Those of the complainants are at present trampled under foot, and they have been placed without the law, and for this reason I protect them.



[Inclosure 2 in No. 741.—Translation.]

## OPINION OF MAGISTRATE BAUTISTA.

[Extract.]

As a last resort in the discussion, the majority of the magistrates not being able to evade the truth of the facts and distort the law, they appeal to the nightmare of the superiority of the North with respect to us, and to the necessity under which the Mexican Government rests to flatter that of the United States, and give it what it asks in order not to interrupt our relations with that nation which can absorb us at one stroke. Gentlemen, the rôle acted by a government in delivering its own citizens through fear, when there is no obligation, is unworthy and even sad; and, above all, if the executive wishes to do that which Mexico is not under obligations to do by the treaty, let it do so at a proper time, disposing of what it can dispose of, but always respecting the liberty and life of man, whose rights are the basis and object of social institutions.

Lastly, it is said that the morals of the nation suffer by leaving those criminals at liberty, owing to the impunity of their crimes, supposing that Mexico cannot try them and punish them for crimes committed beyond her territory, nor likewise the United States in case they are not delivered to its authorities. It should be considered that it is not known yet by legal methods whether such crimes have been committed, and by whom, when it is acknowledged that the measures for extradition are insufficient; but supposing that they were; this impunity, so startling to certain magistrates, is accepted and consented to by the contracting parties from the moment in which they stipulated that neither of the two nations was under obligations to deliver up its own citizens; in addition to which, as has been well said, the crimes committed in a foreign country may, in accordance with the code, be tried and punished in Mexico.

The speaker does not belong to the school of frightened men who hesitate in the fulfillment of their duties and of our constitutional precepts from reasons of convenience or morality; because he believes that our fundamental character is above everything, and that nothing but respect for its precepts and the exact fulfillment of its provisions will save the fate of the nationality of Mexico, as it has saved it a thousand times; and above all, between the constitution and its guarantees, and the reasons of convenience, I decide for the first, and I will never act the sad rôle of delivering Mexicans to be tried by a foreign country, when there is no obligation to do so, debasing in this way the national dignity and decorum. In consequence, I will vote for the proposition of citizen Blanco.

[Inclosure 3 with No. 741.—Translation.]

## OPINION OF CHIEF-JUSTICE VALLARTA.

I desire also, like the other magistrates, to give the foundations of my vote by stating, although in compendium, the reasons which I have deduced in the discussion of this question. It has been considered under different aspects, and even matters irrelevant to the present judgment of *amparo* have been brought into the debate, matters in regard to which I consider it my duty to speak in defense of my opinions. Reviewing, then, what I have said in this long discussion, I will state the opinions which I have expressed in regard to the different subjects discussed.

1st. The complainants, Dominguez and Barrera, have only asked for *amparo* upon the ground that they consider articles 16, 18, 19, and 20 of the constitution violated in their persons. Are these articles applicable to cases of extradition? I do not think so, because they refer to the criminal proceedings which should be instituted in the republic for crimes committed within the limits of its territorial jurisdiction, and the crimes which give rise to extradition are those committed in foreign territory, where the national jurisdiction cannot reach. The law of nations has established the rules which limit the exercise of the sovereignty of a country, and constitutional law should be understood as subordinate to those rules, because no constitution can arbitrarily give to itself extraterritorial effects without putting itself in antagonism with the principles which guarantee the independence and sovereignty of nations, and provoking conflicts with that nation whose territorial jurisdiction is invaded. Our laws, also (article 186 of the penal code), deprive Mexican judges of jurisdiction in the cognizance of crimes committed in foreign territory.

Applying these principles to the present *amparo*, it is seen at once that, as our judges lack jurisdiction to take cognizance of the murder which it is said Dominguez and Barrera committed in the State of Texas, they can give no attention whatever to the jurisdiction specified in the constitutional articles. The judge of extradition of Mata-

moras is not the judge of the accused, and this sole reason is sufficient cause why, in accordance with the tenor of said article 20, that judge of extradition cannot take the preliminary declaration of the criminals, nor declare them prisoners, nor hear them in defense.

The absolute prohibition of article 19 has been strongly urged, to the effect that no detention shall exceed three days unless it be justified by a sentence of commitment, in order that it may be inferred from this that the cases of extradition are not beyond the force of that prohibition. I do not understand thus the constitutional article, because the sentence of commitment is an act of jurisdiction without any doubt whatever, so that such a sentence would be converted into a crime if a judge should pronounce it when he lacked jurisdiction, either owing to the nature of the case, treating, for example, of a legal act which a criminal judge can construe into a crime, or relating to the person, treating, for example, of the trial of a Russian for crimes committed in his country. Besides, if a judge should pronounce that sentence in cases of extradition, what course would he have to pursue afterwards? Would he pursue that specified by article 20 of the constitution to the extent of hearing the criminal in defense and condemning or acquitting him? But this would be monstrous, supposing it were so, that our judges could punish the criminals of all nations who do not violate our laws. Shall he declare himself without jurisdiction to try the cases? This would be his own condemnation, inasmuch as without it he could not even pronounce the sentence of commitment. Shall he declare himself to be incompetent and deliver the criminal to the foreign authority? This would also be monstrous, inasmuch as the judicial power of a country cannot maintain that class of foreign relations; it would overthrow all the principles which regulate the relations between nations, and also those which fix the attributes of the executive and judicial powers, and those which determine the nature of extradition, &c.

And all these absurdities would be enacted in consequence of the violation of the principle that a judge has no jurisdiction even to decree a sentence of commitment against the criminal who has committed a crime in foreign territory.

This interpretation of the constitutional articles I found not only upon these reasons but upon the doctrines of publicists and upon the practices of civilized countries. The latter recognize the necessity for the detention of the accused in order to prevent his escape and make effective the object of the extradition treaties, and they maintain that such detention is not an act subject to common criminal regulations, but an international act governed by treaties.

Among civilized countries there is not one that does not fix distinct rules and longer periods for the detention of the accused in cases of extradition than for detention in cases of common criminal judgment, and this is well conceived, because it would be a burlesque upon the faith of treaties to claim that in the few hours during which the arrest should continue, a single case of extradition could be decided through diplomatic channels.

The American, English, and Belgian laws expressly lengthen the periods of provisional arrest in cases of extradition, making them much greater than in common detention in criminal cases; and let it be well noted that these countries are more jealous than any others of individual liberty. Among modern treaties which fix periods for the arrest, none establish a period of less than fourteen days, treating of border nations and those having rapid and easy communication by steam and telegraph; and such periods are extended to two, three, and six months, according to the distances and the difficulty of the communications.

2d. It has been sought to found this *amparo* upon article 15 of the constitution, it being alleged that the court should concede it in order to prevent the violation of that article of the constitution by the extradition in question. Viewing the latter from such standpoint, I think also that the *amparo* does not follow. I understand that that article does not prohibit other extraditions than those of political offenders and those in a condition of slavery. Respecting those prohibitions, I am of the opinion that there is no anti-constitutional extradition with respect to those criminals who may be the object of it, and that the representative of the sovereignty of Mexico may make treaties of extradition with such conditions as it thinks proper for the interests and decorum of the republic, and without other limitations than those specified in the constitutional article.

The argument which is made in regard to the second part of this article is absurd. If, in order not to alter the guarantees of the individual, the extradition of a criminal should be refused, with simply this, all extraditions would be prohibited, those of citizens and foreigners, and with it we would see the contradiction of one part of article 15 derogatory to that which immediately precedes it.

Another is the meaning which should be given to the second part; it prohibits the celebration of treaties which will nullify constitutional articles here in Mexico, which may deprive the inhabitants of the republic of the guarantees which the constitution concedes to them, treaties which may deprive us of the liberty of the press, of the transit without passports, &c. And that this is the meaning of the constitutional

article, to prevent a treaty from nullifying the constitution, is proved by the reasons for the article, as shown in its discussion in the constituent congress.

3d. With respect to the proposition of the Citizen Magistrate Blanco, there has been much discussion in regard to who is the competent power for matters of extradition. I cannot agree that it is the judicial, but that it is and should always be the executive. The treaty of December 11, 1861, thus determines it expressly and specifically in its articles 1 and 4, where extradition is characterized as an international act, as a matter treated between two governments through diplomatic channels, and which the executive *alone* of each country has the faculty to determine. This treaty, far from considering the judges as competent in such matters, states that they cannot take cognizance of extradition except when they are *duly authorized* by the governor or military chief of the frontier States.

In the constitution I do not find a single word in support of such judicial jurisdiction, and I do find among the attributes of the executive the reasons upon which its jurisdiction in the matter is founded. If the executive has to conduct diplomatic negotiations and see to the fulfillment of the treaties, how could it do so if a judge should concede or refuse an extradition, according to his understanding of it? If the act of that judge should constitute the violation of a treaty, how could the President of the republic be responsible for that fault? If the judges should have such faculties, how could the President conduct diplomatic negotiation in matters of extradition?

This point, in addition to appearing so clear to me, is already in the practice of nations a principle in regard to which there is no dispute. It is true that there are countries, as for instance England and Belgium, in which the laws give more or less intervention to their judges in matters of extradition; but far from denying the competency of the executive power to decree the extradition, it is more fully affirmed, if possible, by the precepts of those laws which permit it to depart even from a judicial resolution favorable to extradition, in order to refuse it. In other countries, as in the United States, the judge does nothing more than to make the necessary investigation for the decision of the case, it being always the executive power which decides it, whether it be to concede or deny the extradition. I cannot, therefore, vote for this *amparo*, upon the ground that the department of war is incompetent to decree the extradition of Dominguez and Barrera.

4th. It has been asserted also in the debate that the latter have founded their petition for *amparo* upon article 6 of the treaty of extradition, and there has been much discussion in regard to the extradition of citizens. Although it is not true that the complainants have even spoken of article 6, and although a case of extradition of citizens is not treated of here, inasmuch as not even the documents proving the nationality of the accused have been presented, I consider it my duty to enter at length upon the discussion of this point, notwithstanding it may be thought irrelevant in this suit of *amparo*. I do not believe, as has been said, that a treaty of extradition which Mexico might make with another power, in which the reciprocal delivery of citizens should be stipulated, would be anti-constitutional. Far from there existing in the constitution any clause prohibiting such a treaty, I see that article 15 authorizes it, inasmuch as its prohibitions refer only to political offenders and to slaves, and says nothing of Mexicans. The argument which has been made in favor of the latter, taking it from the second part of the article, proves nothing.

If the interpretation given in this article to the constitutional text were exact, it would not only favor the exception of Mexicans from extradition, but foreigners also, inasmuch as the text refers explicitly "to the man and the citizen," and we have already seen that such an interpretation makes article 15 contradict itself, undoing in its final clause that prescribed in the first part. Constitutionally, then, it cannot be said that the extradition of Mexicans is prohibited, as is that of slaves and political offenders.

It has been sought to maintain that the last clause of article 6 of the treaty of December 11, 1861, prohibits, or at least does not authorize, the extradition of citizens. This, without refusing to recognize the force of the words of the language, cannot be affirmed. The treaty of extradition celebrated with Italy prohibits such extradition, and is worded thus: "The extradition cannot take place if the accused are citizens of the country," &c. Between these words and those of the treaty celebrated with the United States, which are, "neither of the contracting parties shall be bound to deliver up its own citizens under the stipulations of this treaty," between the two clauses, I repeat, is seen the full difference which exists between prohibition and liberty. If the American treaty had desired to restrict even that liberty it would have used other words, which would not have left it in force. But to understand both treaties in the same prohibitive sense is something which the meaning of the words does not permit.

The extradition of citizens can be arranged in treaties in one of three ways: either by prohibiting it, as is done in the treaty with Italy; or by making it obligatory, so that the delivery of citizens shall be inexcusable; or by permitting it, leaving it to the discretion of the governments, as is done in the final part of article 6 of the

treaty with the United States; so that it will be impossible to confound the prohibitive form with the obligatory, and neither of these two with the discretionary. From the words of the treaty itself, then, I deduce that the extradition of citizens, far from being prohibited, is permitted between Mexico and the United States.

It has been said that extradition is an odious business, and that as such the interpretation of the treaties which authorize it should be restricted. Extradition has been considered as an act of cruelty, almost of barbarity, because the delivery of a citizen to a foreign authority has been painted thus, as an act which present civilization condemns, and one which tends to restrict the progress of the rights of men. I think there is no reason in any of these arguments. Extradition, far from being a creation of barbarous times, is, on the contrary, an institution of modern international law, which tends to greatly elevate the relations maintained by nations by means of steam and electricity. The extradition of citizens, therefore, is not the act of barbarity which has been spoken of, but on the contrary is rather a *desideratum* of the most enlightened contemporaneous publicists; it is a tendency towards the international improvement of nations; it is an exigency of civilization which does not desire that the action of justice shall be detained at the frontiers. It has also been said that the delivery of Mexicans to the United States is an act of humiliation, because in that republic the extradition of citizens is not accepted, and in delivering Mexicans it is done with full knowledge of the fact that the act is not reciprocated.

In praising, as is due, the institutions of the great republic, it has been affirmed that they do not consent, *nor can they consent*, to the delivery of its own citizens, because this would be contrary to the Constitutional guarantees. All which has been said in regard to this point I consider altogether inexact. The first treaty of extradition which the United States adjusted with England, that of 1792, comprehended in its article 27 all class of criminals, and in the case of Robbins that article was interpreted so as to include natives and foreigners. The same article was afterwards reproduced in the treaty of 1842, celebrated between the same powers. In examining the American treaties we find in many of them the same clause of article 6 of our treaty which declares that the delivery of citizens is not obligatory, and there is not one in which it is absolutely prohibited.

In regard to this point there is a fact worthy of mention, which, better than citations, illustrates the views held in the United States concerning this particular.

When, in 1845, a convention was being negotiated in regard to extradition with Prussia, the plenipotentiary of the latter country insisted that it should prohibit the extradition of citizens, and the American Senate refused to ratify the convention because this prohibition was inserted. And the Secretary of State then said that the Government of the United States could not consent to the exception of citizens: first, because reciprocity would thus be destroyed, as the penal laws of various European countries have ex-territorial effect, punishing their subjects even for crimes committed in foreign territory, a thing which does not take place in the United States; and, second, because such exception would cause the violation of American naturalization laws.

But aside from this precedent, aside from the opinions of American publicists, as Kent and Elliott, the fact that in the official edition of American treaties this doctrine in regard to extradition is expressly laid down, may be considered as conclusive in the matter.

An act of humiliation, then, on the part of Mexico is not committed when she delivers up her citizens, with certain reservations, who have committed crimes in the United States, upon the ground that there is a lack of reciprocity in like cases on the part of that country.

Another argument against the extradition of citizens has been invoked: It is said that neither the laws nor the treaty authorize the government of Mexico to permit it. I have already said that the words of the treaty, which is a law, permit such extradition inasmuch as they do not expressly prohibit it nor make it obligatory. From the treaty, hence, is derived the faculty of the government to concede or refuse the extradition of a citizen; a faculty not capricious or arbitrary, as has been supposed, but eminent from considerations of national convenience, which should in each case be had in view, and subject to the rules of the laws of nations. The latter, which do not guarantee the impunity of crime, and which, on the contrary, tend at present to the recognition of the maxim that foreign territory should not become a safe asylum for criminals, the enemies of humanity, have commenced to establish certain theories which are already adopted by enlightened nations. One of them is this: A country which does not give ex-territorial effect over its subjects to its penal laws, and which, in consequence, cannot punish them before its tribunals for crimes committed in foreign territory, should consent to the extradition of its subjects, provided that such considerations as the lack of reciprocity, the lack of guarantees with respect to the legislation of the country making the demand, or other merely political considerations, of which alone the government upon which the demand is made is the judge, do not pre-

vent the extradition. This theory is defended with incontestable arguments and by learned contemporaneous publicists, and is already laid down in certain treaties.

If in Prussia and the German States the extradition of subjects is prohibited, as has been seen before, it is in consequence of the fact that the penal laws of those States extend their jurisdiction over their subjects in foreign territory, and make their tribunals competent to try them for those crimes.

Upon these considerations the convention between the United States and those countries of 1852 was founded in order to declare that "inasmuch as the constitution and laws of Prussia and the other states, which form a part of the convention, prohibit the delivery of subjects to a foreign government, that of the United States, with the object of making the convention strictly reciprocal, will also be free from all obligation to deliver citizens of the United States to those countries." This being so, as is already seen by the significant precedents cited, and without the necessity of other authorities, and it being a fact that our penal laws have no extraterritorial effect, it is evident that Mexico comes within the range of those theories, and that her government, authorized as it is by the treaty, may make use of the faculty which that treaty concedes in order to extradite Mexicans in grave and exceptional cases.

I can also cite a celebrated precedent in the United States in which a notable extradition was made without the obligation of any treaty whatever, and having for its principal motive the desire to respect the theory that a country cannot convert itself into an asylum for criminals. This extradition was that which Mr. Seward ordered to be made in 1864 of Argüelles to the Spanish authorities. The authority under which that eminent statesman acted in the case was then disputed, and he maintained that the American Government derived the faculty from the law of nations, because, although no conventional obligation existed for delivering up a criminal without a treaty, no one could maintain that a country is obliged to become an asylum for criminals who are the enemies of the human race; and, although from political motives, skillfully used in an electoral campaign, pains were taken to condemn such extradition, it is certain that the petition in regard to it which was presented in the House of Representatives was rejected by a large majority.

The Government of Mexico in decreeing the extradition of a citizen would not act as Mr. Seward did, authorized only by the *comitas gentium*, but with the faculty given it by a treaty which leaves it at liberty to act as it thinks proper, having in view the circumstances of the case and the general rules of international law.

A certain magistrate has permitted himself to use words of unjustifiable censure against the government, not in consequence of this matter, because the extradition of Mexicans is not treated of here, but with reference to the extradition of the criminals of Rio Grande City. Although the government does not need my defense, nor is this the place to make it, I cannot remain silent when these attacks cannot reach the government without first wounding me personally, inasmuch as I was secretary of foreign affairs when, under my responsibility, that extradition was made.

I have thought it, consequently, my duty to speak of a matter foreign to this case, accepting the discussion upon the ground to which it has been carried, although it be, in order to defend my conduct from unjust attacks, I am not authorized to reveal the secrets of the negotiations had for the extradition of the criminals of Rio Grande City; but I can assert in emphatic terms that it was neither fear nor humiliation which inspired the government in decreeing it; that it is calumny to say that terror of the United States, that the desire for the recognition of our government, &c., &c., determined that extradition. I protest against these calumnies, which can never be proved, and if it is doubted whether my words support this protest, my acts will prove it most emphatically. As secretary of foreign affairs, and with the concurrence of the President, I refused the extradition of other Mexicans demanded by the agents in Texas. The documents relating to these matters will be published some day, and I hope it will be soon, in order that the nation may speedily know how I endeavored to defend its honor and its interests in that delicate post. I reported my conduct in that affair at once to the competent authority, the Senate, because I not only do not shun the responsibility of my acts, but I desire that they may be judged and known. If the magistrates who have so freely censured the extradition of the criminals of Rio Grande City were cognizant of those negotiations, I am sure, from their patriotism and from their intelligence, that they would not have used the improper words which we have heard. But leaving aside these disagreeable incidents of the debate, and without revealing the secrets of the negotiations of which I have spoken, I think, with what is said, I have already established the legal foundations which support my opinion, that in certain exceptional cases the extradition of citizens may be made.

In order to carry this *amparo* upon irrelevant grounds, viz, the discussion of the extradition of Mexicans, it has been said, with entire correctness, certainly, that Domínguez and Barrera have asked *amparo* in view of Article 6 of the treaty, in combination with Article 15 of the constitution; that the nationality of the accused is Mexican, without any doubt whatever, because it is thus decided by the convention between Mexico and the United States of the 10th of July, 1868.

In order to judge of the inexactness of this position, it is sufficient to read the demand of the complainants. And in order that it may be seen that the question of nationality is not decided by that convention, and above all that it does not treat of cases of the extradition of Mexicans, I have the honor to say something still in regard to these points. The said convention has no other object than to determine the citizenship of persons who emigrate from one country to the other, and its article 1 does not speak of anything except citizenship acquired by *naturalization*. It is sufficient to say this in order to understand that that convention is not, nor can it be, the only authority for deciding questions of nationality.

What nationality, for example, has the Mexican who, residing in Texas, in the year 1848, has not declared his intention to preserve his first nationality? Article 8 of the treaty of February 2, 1848, tells us that he is an American citizen. What nationality have the children of such Mexicans by origin? The American. Other treaties, then, the law of nations, our constitution and laws, outside of that convention, determine the question of nationality.

Do we know, perchance, whether Dominguez and Barrera selected American citizenship in 1848, or whether they are sons of American citizens, although of Mexican origin? To decide this point without proofs would be an act of carelessness unworthy of the first tribunal of the republic.

A case of the extradition of Mexicans, as I have said, is not treated here; the evidence of documents exists to the effect that the order issued by the department of war was given in the understanding that Dominguez and Barrera were American citizens, and that General Canales consulted the government in regard to this point. And I have had the honor to inform the court that this order remains suspended for no other purpose than to await the investigation which it should make in regard to the nationality of the accused. Owing to a wrong interpretation of the order of the department of foreign affairs of October 9, 1877, an order which declared that the judges were not qualified to decide matters of extradition, and the erroneous understanding of the judge of Matamoros, who is responsible, that investigation has not been made, and the true nationality of the accused has not yet been ascertained. Could it be decided in the present state of this investigation that the extradition is not obligatory because the accused are Mexicans? And what would happen if afterwards it should be proved that they are Americans? How would the clear and flagrant violation of the treaty be justified which in such case would be committed? This would be another act of carelessness which would have no excuse.

The extradition of Mexicans, then, is not treated of in this matter, but it is desired to know whether certain parties accused are citizens or foreigners, in order thus to decide the extradition asked. The government has a right to demand proofs concerning points of nationality, and it cannot be said to-day that Mexicans are going to be delivered to a foreign power without prejudging those proofs and prejudging the intentions of the government. To concede *amparo* in these doubtful cases, and to concede it when not even the accused themselves have asked it, would be on the part of the court a crime, and a crime even against the law which regulates the proceedings in suits of *amparo*. The reasons which have been stated serve as the basis of the vote which I shall cast refusing the *amparo* asked by Dominguez and Barrera.

No. 350.

*Mr. Foster to Mr. Evarts.*

No. 749.]

LEGATION OF THE UNITED STATES,  
*Mexico, August 3, 1878. (Received August 27.)*

SIR: On Sunday, the 30th of June, the primary or first elections were held, and on Sunday, the 14th ultimo, the secondary elections occurred throughout the republic for members of the House of Deputies and for one-half of the senators of the national Congress, as also for magistrates to fill vacancies in the supreme court, occasioned by the resignation of two members of the cabinet of President Diaz.

Under the Mexican electoral system, at the primary election a certain number of electors are chosen in the different polling precincts or districts by popular universal suffrage, and these electors constitute a col-

lege, which assembles in each precinct on the second Sunday after the first or primary election, and votes for the officers to be chosen, as in the recent election for the members, or deputies, and senators to the federal Congress, and magistrates of the supreme court. So that all elections in this country are by the indirect or secondary method, the people choosing the electors and the electors voting for the different-candidates for the offices to be filled.

Loud complaints are made by the press that there was no real expression of public sentiment in the elections just held, that the people did not participate in them, and that in almost all cases throughout the nation the official list made up in this capital has been returned.

The new Congress will be composed almost exclusively of the friends and supporters of the present administration. The only opposition that will exist will be among the adherents of certain leading men of the government party, and these divisions will be occasioned by the personal aspirations for the next Presidency at the election in 1880. It does not follow, because the new Congress is almost if not absolutely unanimous for the administration, that the government has exercised coercion or intimidation in the elections. Notwithstanding the charges which have been made by the opposition press, I think the recent elections have been as free from direct executive and official interference as in the past. The result is rather to be attributed to the electoral campaign methods practiced in this country, and to the revolutions which have so systematically attended or followed general elections.

Although suffrage is universal according to the constitution, very few of the inhabitants ever participate in the elections. The political parties carry on their contests, not through the peaceful methods of the electoral campaign and the ballot, but by revolutions and pronunciamientos. The great political divisions of the country in the past generation have been the Conservative or Church party, and the Liberal party, but these rarely ever tested their strength at the polls. After many years of civil war, attended with varying fortunes, the Liberal party was completely triumphant, and since the restoration of the republic, in 1867, the Conservative or Church party has abstained from all participation in electoral affairs. This party embraces among its adherents a large majority of the property-holders and capitalists, and a very considerable portion, but possibly a minority, of the educated men of the country. Since 1867 the contests for supremacy in the government have been exclusively among the factions of the Liberal party. In that year Juarez was re-elected President almost without opposition, being recognized as the great leader of the victorious party in the war against the Conservative party and the European intervention.

In the Presidential election of 1871, the Liberal party divided into three factions, known by the names of their respective candidates for the Presidency, Juaristas, Lerdistas, and Porfiristas (adherents of General Porfirio Diaz). That election was the last one in which there has been a general participation of even the Liberal party. Juarez was declared elected; and General Diaz appealed from the ballot-box to the sword, and his revolution of "La Noria" was inaugurated.

At the death of Juarez, in 1872, the revolution of Diaz was still in progress. Mr. Lerdo succeeded to the Presidency *ex officio*, and a few months afterwards was elected to the place without any contest and with very little participation in the election by the people.

In 1876 the adherents of President Lerdo announced him as a candidate for re-election. The partisans of General Diaz declared publicly

that it would be useless to carry on an electoral campaign, as the supporters of President Lerdo had control of all the State governments, and would, by official influence, intimidation, or force, prevent any free expression of the popular will; and early in the year the Porfiristas (Diaz party) inaugurated the armed revolution of "Tuxtepec," announcing as their rallying-cry, "no re-election and free suffrage." The old Juarez party, on account of the inauguration of the revolution, and from a fear that the State governments would be used to secure President Lerdo's re-election, declined to nominate any candidate or to participate in the campaign. So the election was held in July in the midst of the revolution, and was participated in by the supporters of Mr. Lerdo alone, the Juaristas abstaining from the election, the Porfiristas being in armed rebellion, and the Conservatives being permanently out of politics.

Upon the triumph of the revolution a new election for President, Congress, and supreme court was ordered early in 1877. And, in turn, this election was participated in by the Porfiristas alone, the Lerdistas, Juaristas, and Conservatives abstaining from any part therein. And the election held last month was attended by similar circumstances.

I have alluded to another cause why the mass of the people do not participate in the elections, which results from the electoral campaign methods practiced in this republic. Parties or personal factions have no political organization such as exists in the United States. No nominating conventions are ever held, either for national, State, or municipal elections, and, except for President, the names of no candidates are posted or announced for the offices to be filled.

The candidates are usually agreed upon in private juntas or caucuses of a few individuals. The opposition invariably charge that the administration list is made up, in national elections, by the officials and favorites of the government in this capital, and distributed to the governors of States or military commanders, to be elected by official influence. No public meetings of the people are ever held to discuss political questions, and the candidates never address their constituents previous to elections.

The law requires that a member of Congress shall be a citizen and resident of the district which he represents in that body, but very little attention is paid to this requirement. It very often happens that Congressmen are returned from districts when they are neither citizens nor residents of the State in which the district is located and have never visited the district which they represent. For example, one of the most prominent members of the last Congress was elected from a district of his native State, but not the one in which he resided. He was also elected from a district in another State. As he and the governor of his State did not agree about local and personal questions, he took his seat in Congress as a deputy for the district of the State of which he was not a resident, and rejected the election in his native State. At the election held last month for the new Congress, this same gentleman has been returned as a senator from still a different State than either his native one or the one he represented in the last Congress.

I have given this hasty historical review of parties and sketch of the electoral campaign methods in practice in order to explain the present political condition of the country, and to enable you to form an opinion as to the significance to be attached to popular elections.

I am, &c.,

JOHN W. FOSTER.



No. 351.

*Mr. Foster to Mr. Evarts.*

No. 750.]

LEGATION OF THE UNITED STATES,  
*Mexico, August 6, 1878. (Received August 27.)*

SIR: For the past two weeks public attention in this city has been almost exclusively occupied in the discussion of the relations between the United States and Mexico. The last mail brought the accounts published in the American newspapers of the visit of General Ord to Washington to confer about the condition of affairs on the Rio Grande, and the reports as to the results of that visit, among which were that the instructions to that officer of June 1, 1877, were to be more vigorously enforced, and that to enable the American troops to more effectually suppress the Indian and cattle raids, several strategic points on the Mexican side of the Rio Grande would be occupied. These and various other reports as to the hostile intentions of the Government of the United States have been reproduced and commented upon by the Mexican press, and have caused the utmost excitement.

In addition to this, reports have been current in Mexican official circles of the correspondence which took place between Mr. Mata and myself in relation to the crossing of Colonel Mackenzie into Mexican territory, transmitted in my No. 740, of the 15th ultimo. These reports having attained a wider circulation, have been greatly exaggerated, and it began to be believed by the public that the correspondence indicated an early rupture of diplomatic relations and the probable inauguration of hostilities on the Rio Grande. The rumors became so alarming that the official journal of the government found it necessary to indicate something of the tenor of Mr. Mata's note to me, and to assure the public that the correspondence gave no foundation for the alarm which prevailed.

The government has been subjected to severe attacks by the opposition press, because, as they allege, it has not protested in proper spirit against the invasion of Mexican territory by American troops, nor has it adopted appropriate measures to protect and maintain the national dignity and honor. The government official journal, the *Diario Oficial*, has several times replied with spirit to the attacks; and, as indicating the temper of the government, I inclose an extract from one of its editorials.

I am, &amp;c.,

JOHN W. FOSTER.

[Inclosure in No. 750.—Translation.]

*Mexico and the United States.*[From the *Diario Oficial*, August 5, 1878.]

Neither is it true that this is the first time that the present administration has made use of energy in treating this international question. However much our colleague may state to the contrary, and daily repeat it, formerly, as to-day, and since General Diaz has been chief of the executive power, our foreign relations, and principally those with the neighboring Republic of the North, have borne the seal of dignity, of decorum, of prudence without weakness, and of energy without arrogance.

The country and the Federalista itself may recover the composure which has been altered without reason during the past few days; since, without being permitted at present to publish the note of Mr. Mata, we can again give assurances that its contents are as we stated on Friday. We will even add more: if true that the questions being treated through diplomatic channels are difficult, due more perhaps to circumstances foreign to their merits than to the questions themselves, there is the encouraging hope that they will be adjusted in a pacific manner in the interests of the two countries. If un-

fortunately these hopes should prove futile, and war should be inevitable, the President of the republic, whose valor, abnegation, and patriotism not even his enemies can doubt, will address himself to the Mexican people, calling them to his side, in order to defend, as they have always done, the honor, the integrity of territory, and the independence of Mexico.

In the mean time, and this eventually being still very remote, the Federalista may well repeat with all assurance, "The country may then be tranquil, as we are, with the statement of the Diario."

Would not this be the occasion to make a call to the patriotism of the opposition, either in the press or in the camp of revolution, to the end that, laying aside its hostile attitude, it should permit the executive and the country itself to prepare without obstacles and with calmness for all the hazards of the crisis through which we are passing?

No. 352.

*Mr. Foster to Mr. Evarts.*

No. 751.]

LEGATION OF THE UNITED STATES,  
*Mexico, August 8, 1878. (Received August 27.)*

SIR: In my No. 749 of the 3d instant, in giving an account of the recent elections, I referred to the divisions in the liberal party in this country. A significant article on this subject appeared yesterday in the *Monitor Republicano*, one of the leading newspapers of the country, written by Hon. I. M. Vigil, for many years a prominent public man, who has held high offices under the administrations of Juarez and Lerdo, and was lately a member of the federal supreme court. The article, which I inclose, reflects the sentiments of a large class of public men, and presents the embarrassments of the country in a strong light.

I am, &c.,

JOHN W. FOSTER.

[Inclosure in No. 751.—Translation.]

*The divisions of the liberal party—their sad consequences for the country.*

[From the *Monitor Republicano*, August 7, 1878.]

We have frequently asked ourselves what the divisions of the liberal party in Mexico signify. Proclaiming the same principles, entertaining the same aspirations, united in the same history of abnegation and sacrifices, it is not understood how the numerous members of this great family have separated and every day separate more, when they should, from the very nature of things, combine their efforts and unitedly advance to the attainment of a great object, the progress and prosperity of the country.

The antagonism between parties which aspire to ends diametrically opposite to such an extent that what one affirms the other denies, is a logical consequence of their respective situations. No one can be surprised, for example, that the reactionary element is radically the enemy of the progressive school. Between the tendencies toward the past and the aspirations toward the future, between the denial of political liberty and its realization, there neither is nor can there be agreement of any kind, because it would be equivalent to expecting contrary ideas to become reconciled and produce a harmonious whole. But when nothing of this exists, but, on the contrary, the agreement upon principles, even to their most remote consequences, is a real and positive fact, then these struggles and conflicts cannot be understood, the fecundity of which in evil can only be measured by their sterility for good.

But nevertheless the discord in the bosom of the liberal party forms the political history of our country for the past ten years; for more than ten years these fratricidal rancors have covered the vast extension of the republic with the blood and ruin, exhausting the vital force of the nation, wasting precious time which could have been employed in the organization of elements which to-day are tossed in the chaos of anarchy. And this singular and painful phenomenon, on reaching its farthest limits, illustrates all the lack of utility, and, let us say it at once, all the criminality which is allied with the causes which have produced it.

We are accustomed to hear the daily accusations which the contending factions mutually launch at each other, in which they appear to have exhausted recrimination

and abuse. Each one of these factions endeavors to persuade the nation that it alone possesses political truth, that it alone is the depository of patriotism, republican virtue, and respect for the constitution, while it attributes to its adversaries sordid egotism, bastard interest, and arbitrary conduct in all their operations, as the result of the most mean and repugnant motives. The nation in the mean time witnesses this unedifying spectacle and pronounces an irrevocable sentence, because it, being above individual passions, and knowing perfectly the history of our men and our parties, knows very well what to regard in the torrent of reproaches and imputations which cannot obscure the truth of the facts. Because, really, if we look for the origin of such contentions, if we examine the conduct of the parties which contend, and destroy each other as far as possible, it will be seen that none of them will remain guiltless before the tribunal of history; since, although all embrace men of good intentions, patriots who have lent eminent services to the country in the days of trial, all have also committed errors of grave importance which have brought the republic to the extreme of disunion and anarchy, and which portend a future still more unhappy.

But if experience tells us this; if impartial reason can do no less than recognize the fact that on losing sight of the great idea which serves as a nucleus to the liberal party, the different portions which produced such schism followed a course of adventure, from which the common country could expect nothing good or useful, it is now time to seriously reflect upon the fruits of such deviation and make a powerful effort to stay if possible the consequences which are yet to be derived from such lamentable antecedents.

Many times we have asked ourselves, is reconciliation among the different members of the republican family possible? Can the reconstruction of the great party, which symbolizes the national aspirations for peace, liberty, and progress, be effected? And in case of the absence of sufficient abnegation for the consummation of so meritorious a work, what is the fate which awaits, not merely a certain political organization, but the country disunited, debilitated, impotent to control the disorder which consumes it?

These questions, we do not conceal it, embrace as many other problems, the simple enunciation of which surprises and startles the mind of him who is constantly preoccupied with the future destiny of our nationality and our race. Because there is no occasion to hug delusions; if the contentious of personal factions are to continue as up to the present, keeping the country in a struggle more or less stupid, more or less bloody, peace is impossible, and the resources of authority exhausted, respect for the institutions lost, disgraced before foreign nations, *it will neither be possible to establish a durable government nor to restrain crime which, under a thousand forms, may invade society, the country being condemned, as it seems, to inevitable dissolution.*

If, then, no good is to be derived from division, from breaking into fragments, and if this deadly combat between victors and vanquished cannot be converted into a stable and durable situation, no recourse is left except to appeal to the union of the party which should not have divided, re-establishing it upon its natural bases, regenerating it in the genuine inspiration of its principles, returning to its strength and energy, in order that it may fulfill the social mission which is imposed upon it, and advance unobstructed by the upright path of reason and justice.

Perhaps we may be censured as Utopians, as dreamers with impossible ideals, as visionary politicians who are not familiar with the positive ground of reality; perhaps it will be thrown in our faces that we lose time in endeavoring to weld together the fragments of a whole, irrevocably shattered; it may be so; but so long as there is any probability of emerging from the chaos in which the Mexican people is agitated, so long as one hope exists of putting an end to the state of anarchy in which all society writhes convulsively, it is our duty to point out that probability, to encourage that hope, outside of which there is no plank of safety in the midst of the wreck of all the ideas which maintain and give life to the nations.

In a word, the reconstruction of the liberal party is the only salvation for the republic in the supreme conflict to which it has arrived, and we do not despair of this reconstruction being effected, by means of that mysterious law which presides over society, preventing nations from falling into definite dissolution.

---

No. 353.

*Mr. Evarts to Mr. Foster.*

No. 495.]

DEPARTMENT OF STATE,  
Washington, August 13, 1878.

SIR: Your dispatches numbered 740, 741, 742, 743, 744, 745, and 746 have been received and carefully read and considered.

The administration of President Diaz came into power on the 29th November, 1876. Its recognition as the established government of Mexico was delayed, as you are aware, for the reason among others that some doubt existed whether it possessed the ability and the disposition to check the raids and depredations upon American property in the vicinity of the Rio Grande. While you were assured, and so advised the Department, that the new government heartily desired the maintenance of peace and the preservation of order, and would exert its powers for that purpose, you were also informed that the Mexican administration found itself embarrassed in making any arrangements for that purpose because of its non-recognition by the United States. Desirous to remove every impediment to an adjustment of all disputed questions between the two governments, the President on the 23d March, 1878, instructed you to inform Mr. Vallarta that he deemed it no longer necessary or desirable to defer the resumption of diplomatic relations, and the official recognition of the authorities with whom you had so long held unofficial intercourse, and that thenceforth your communications would be official and in the usual form with recognized powers.

You were also instructed to follow the act of recognition by inviting the secretary of state for foreign affairs to enter with you upon a consideration of some permanent measures for the preservation of peace and the punishment of outlawry upon the frontier, the better protection of American citizens and their interests in Mexico, and the settlement of the various matters of complaint made by the Government of the United States. Since that period the administration of President Diaz has been recognized and dealt with as the established government of Mexico.

Nevertheless, the condition of affairs upon the Rio Grande frontier remains substantially the same. No effective step seems to have been taken on the part of Mexico to check the raids. The United States, instead of receiving redress, encounters delays, denials, and postponements at the capital, while in the disturbed localities its officers meet with active opposition.

The Government of the United States have never believed and do not now believe that the Government of Mexico approved or desired to encourage these marauding attacks; yet, as they continue to be made, they seem to show that the Mexican Government is unable to repress them. This inability may be pleaded as a reason for the failure to check the crimes complained of; but that only makes the stronger the duty of the United States to protect the lives and property of its citizens; for, assuredly, if the Government of Mexico cannot do it, that of the United States must, so far as it can.

The first duty of a government is to protect life and property. This is a paramount obligation. For this governments are instituted, and governments neglecting or failing to perform it become worse than useless. This duty the Government of the United States has determined to perform to the extent of its power toward its citizens on the border. It is not solicitous, it never has been, about the methods or ways in which that protection shall be accomplished, whether by formal treaty stipulation or by informal convention; whether by the action of judicial tribunals or that of military forces. Protection *in fact* to American lives and property is the sole point upon which the United States are tenacious. In securing it they have a right to ask the co-operation of their sister republic. So far, the authorities of Mexico, military and civil, in the vicinity of the border appear not only to take no steps to effectively check the raids or punish the raiders, but demur and object to steps taken by the United States. Extradition of offenders under

the treaty is delayed or refused upon grounds more or less plausible. Amendments of the treaty are pronounced impracticable or sought to be encumbered with conditions that would render them nugatory. Military force gives no effectual co-operation in the pursuit of the thieves, and in many instances contents itself with assuming the attitude of watching United States troops as if they belonged to a hostile instead of a friendly power. You reported to the Department on the 24th April, 1877, that up to that time there was no record of any case in which any Mexican had been punished by the Mexican authorities for these crimes. If any such case has since occurred it has not been brought to the attention of this Department.

I am not unmindful of the fact that, as you have repeatedly reported, there is reason to believe that the Mexican Government really desires to check these disorders. According to the views you have presented, its statesmen are believed to be sagacious and patriotic, and well disposed to comply with all international obligations. But, as you represent, they encounter, or apprehend that they may encounter, a hostile public feeling adverse to the United States, especially in these border localities, thwarting their best intentions and efforts. It is greatly to be regretted that such a state of perverted public feeling should exist. But its existence does not exonerate the Mexican Government from any obligation under international law. Still less does it relieve this government from its duties to guard the welfare of the American people. The United States Government cannot allow marauding bands to establish themselves upon its borders with liberty to invade and plunder United States territory with impunity, and then, when pursued, to take refuge across the Rio Grande under protection of the plea of the integrity of the soil of the Mexican Republic.

You know, and the Mexican Government knows from your repeated assurances, that neither the United States Government nor the American people have any design or desire of conquest, or annexation, or forcible invasion of any part of Mexico. The pretense that the United States are plotting or executing invasions for conquest in Mexico is fallacious and absurd. "Invasions by United States troops" are spoken of in Mexican journals and public documents. There are no such invasions. Mexican cattle-thieves invade Texas. Mexican revolutionists, in violation of our laws, invade Mexico from this side of the Rio Grande, according to the exigencies of their desultory warfare. But no American force ever goes over the Rio Grande, except in pursuit of "invaders" who have already "invaded" the soil of the United States and are escaping with their booty. And when American troops are thus endeavoring to check both classes of marauders, under strict orders to guard every territorial right of Mexico, to invite co-operation of Mexican troops, and to make no pursuit when any Mexican force is found ready and willing to undertake it, they are stigmatized as "invaders of Mexican soil."

The suggestions of the Mexican Government, adverted to in your dispatch No. 740, cannot now be entertained. In substance, they seem to be that the orders to General Ord should be revoked and the border left to the mercies of the marauders, in the hope that at some future day, or at some future session of the Mexican Congress, laws may be enacted or treaties ratified which might offer a solution of the difficulties.

The United States have not sought the unpleasant duty forced upon them of pursuing offenders who, under ordinary usages of municipal and international law, ought to be pursued and arrested or punished by Mexico. Whenever Mexico will assume and efficiently exercise that responsibility, the United States will be very glad to be relieved from it.

It is a source of constant regret to find that this Government does not receive the active or efficient help of that of Mexico in repressing disorders on the frontier, so fraught with serious consequences to both countries.

I am, &c.,

WM. M. EVARTS.

No. 354.

*Mr. Foster to Mr. Evarts.*

No. 756.]

LEGATION OF THE UNITED STATES,  
*Mexico, August 15, 1878. (Received September 2.)*

SIR: In answer to your dispatch No. 486, of the 17th ultimo, in relation to the existence of a Mexican law prohibiting American citizens from acquiring public lands in States of Mexico bordering on the United States, I have to state that such a law does exist. The law or decree was issued by President Juarez, on the 20th of July, 1863, and not on the 20th of July, 1869, as stated in your dispatch. The second article is as follows:

2. "Every inhabitant of the republic has the right to denounce, or locate (*denunciar*) up to two thousand five hundred hectares, and no more, of public land (*terreno baldio*), with the exception of the citizens by birth (*naturales*) of the nations bordering on the republic, and of those naturalized in them, who by no title can acquire public lands in the States which border upon them" (the nations).

In addition to this prohibition, the decree of February 1, 1856, regulating the ownership of real estate by foreigners, contains the following provision:

"ARTICLE 2. No foreigners shall be able, without previous permission of the supreme government, to acquire real estate in the frontier States or Territories within twenty leagues of the line of the frontier."

In the other parts of the country, except rural property within five leagues of the coast, foreigners are permitted to acquire and hold real estate.

I have heretofore referred to these restrictions in my dispatches numbered 555 and paragraph 14 of inclosure, 597 and inclosures 4 and 6, and 625. In my negotiations with Mr. Vallarta last year I proposed a treaty stipulation abolishing the invidious distinction as to the ownership of real estate in the frontier States.

I am, &c.,

JOHN W. FOSTER.

No. 355.

*Mr. Foster to Mr. Evarts.*

No. 757.]

LEGATION OF THE UNITED STATES,  
*Mexico, August 15, 1878. (Received September 2.)*

SIR: The subject of the official relations between the United States and Mexico continues to be the chief topic of public discussion in this city.

One of the morning newspapers announced, after the arrival of the last American steamer, that it had received information that "a reaction

favorable to a policy of peace had operated upon the spirit of the Cabinet at Washington, and that the fears of an immediate conflict were postponed."

The official journal of the government, the *Diario Oficial*, of the 12th instant, in quoting the paragraph from the paper above alluded to, uses the following language:

"The correspondent of the *Trait d'Union* in New York appears to be well informed concerning what passes in the high regions of the White House, as his reports agree with the contents of an extensive note from our representative in Washington to the department, dated the 26th ultimo, in which he refers in detail to a conference which, in the most cordial and friendly terms, he had with the Minister of State concerning frontier affairs. From the explanations given by Mr. Evarts in that conference, it may be expected that the relations between the two republics will be preserved in a satisfactory state, and that the questions pending will not pass beyond the grounds of diplomacy, on which they will be decided, having regard to truth, reason, and right."

The above declaration has had a very quieting effect upon the excited public feeling.

I am, &c.,

JOHN W. FOSTER.

No. 356.

*Mr. Foster to Mr. Evarts.*

No. 766.]

LEGATION OF THE UNITED STATES,  
*Mexico, August 22, 1878. (Received September 10.)*

SIR: Under date of the 11th ultimo, the commercial agent at Nueva Laredo, Mr. J. J. Haynes, reported to me the arrest of three American citizens resident in said town—Thomas Walsh, W. W. Camp, and Rafael Andrete—and the imposition on each of them of a fine by the town authorities, on account of their refusal to render military service when the town was threatened by an attack from the Lerdist revolutionists.

Upon its receipt, in a note dated the 5th instant, I addressed the minister of foreign affairs, remonstrating against the demand of the local authorities in open defiance of treaty stipulations, and asking that the fines be returned and proper reparation be made for the insult offered by the local authorities to the Government of the United States and the injury to its citizens. With my note I sent the minister the correspondence had between the commercial agent and the president of the ayuntamiento, which I now inclose. Special attention is called to the communication of the latter official.

Mr. Mata has replied to me, under date of the 19th instant, that before the receipt of my note his government had asked detailed information on the subject, and that as soon as it was received he would communicate to me the decision of the government.

I am, &c.,

JOHN W. FOSTER.

[Inclosure 1 in No. 766.]

*Mr. Foster to Mr. Mata.*

LEGATION OF THE UNITED STATES,  
*Mexico, August 5, 1878.*

SIR: It will be seen by the copies of communications inclosed herewith, that during the time the town of Nuevo Laredo was threatened by the revolutionists, under the Lerdist chiefs, in May last, the president of the ayuntamiento of said town called upon

three resident American citizens—Thomas Walsh, W. W. Camp, and Rafael Andrete—to render military service in defense of the town against the threatened attack of said revolutionists. The said citizens and the commercial agent of the United States protested against such a requirement, and upon their refusal to render the military service the said citizens were each fined the sum of \$25 by the president of the ayuntamiento. They were, however, released upon parol, to await the decision of the supreme government upon the question of the payment of the fine.

On the 8th ultimo the consular representative, having received instructions from the Secretary of State of the United States, addressed the president of the ayuntamiento a communication in conformity with said instructions, informing him that the requirement of military service in the case in question was in contravention of the ninth article of the treaty of 1831, and that his government would expect the stipulations of the treaty to be faithfully observed.

Notwithstanding this official notice, the president of the ayuntamiento, in a communication dated on the 9th ultimo, informed the consular representative that the American citizens in question "remain and will remain" subject to the fine imposed upon them, and on the day following that official summoned the said citizens before him, and, notwithstanding their remonstrances and those of the consular representative of the United States, he insisted upon the payment of the fine, which, in order to obtain their release from imprisonment, the said citizens paid to the collector of customs, upon condition that it was to be returned to them if the action of the president of the ayuntamiento was not approved by the Federal Government of Mexico.

I have no doubt your excellency's government will promptly disapprove the conduct of the president of the ayuntamiento in this affair. I am not at a loss to understand what application the treaty of July 10, 1868, to which that official refers in his communication of the 9th ultimo, has to the present case. The ninth article of the treaty of 1831 expressly exempts the citizens of both countries from compulsory military service. It is well known that the danger which threatened the town of Nuevo Laredo was from the partisans of Ex-President Lerdo, and it would be highly improper for American residents to take part in such a contest, which exclusively concerned the citizens of Mexico, and it was a clear violation of the treaty of 1831 for a Mexican official to require military service of American citizens under such circumstances.

The allegation that these persons were not entitled to be considered as American citizens for their alleged failure to matriculate or register as such is altogether unfounded, even if that fact existed. The Government of the United States does not concede to Mexico the right to nullify the stipulations of a solemn treaty or denationalize its citizens by municipal or other interior regulations. But your excellency will notice that the commercial agent, in his communication, expressly states that these persons had registered themselves as American citizens. While this is mentioned to show the disposition of these citizens to comply with the regulations in force where they reside, I do not regard it as at all material to the question.

Your excellency cannot fail to notice the insulting spirit manifested by the president of the ayuntamiento directly toward the Government of the United States, and the unjust charge which he makes against its consular representative. In the very communication in which he makes this charge he virtually confesses the truth of the commercial agent's report to the government, that military service was required, as it is plainly inferred from the language of said communication that the force which threatened the town was that of the revolutionists. It is just such conduct and spirit as have been manifested by this official which have created the bad feeling on the frontier of the Rio Grande, and which make it daily more difficult to preserve peace and good order between the citizens of the two nations.

I have, therefore, to request that your excellency's government will take as prompt and efficient measures as possible for the return of the fines imposed and paid, to cause the treaty stipulations referred to to be strictly observed, and the insult offered to my government and the injury done to its citizens to be repaired.

With the sentiments of my high consideration and esteem, I remain, your excellency's obedient servant,

JOHN W. FOSTER.

[Inclosure 1 to inclosure 1 in No. 766.]

*Mr. Haynes to Mr. Foster.*

COMMERCIAL AGENCY OF THE UNITED STATES OF AMERICA,  
Nuevo Laredo, July 11, 1878.

Sir: I have the honor to remit inclosed to you the following copy of my letter of the 4th instant to the president of the ayuntamiento, copy and translation of the judge's answer to my letter.

The facts leading to the correspondence were imprisonment and fine of Mr. Thomas Walsh, Dr. W. W. Camp, and Mr. Rafael Aldrete, citizens of the United States, for



refusing to render armed military service in this plaza on the 24th and 26th of last May, and which I have fully explained to the department at Washington.

Mr. Hunter, in his answer to my dispatch, said that a copy of it would be sent to you, thus rendering it unnecessary for me to repeat all the circumstances here. From the copy inclosed of the judge's answer to my letter you can form some idea of the feeling here against the United States Government and citizens.

The judge says in his answer: "Besides, your said communication shows that you have surprised your government with assertions which are totally false, as this authority has not compelled the said gentlemen to military service, but to a city police service."

The summons of the judge to the American citizens was to appear at the court-house armed with carbines, for the purpose of defending the town against an armed band of revolutionists who were expected to attack the town. In the judge's letter to me, dated May 27, 1878, one of the laws he cites as authorizing his call on the citizens reads: "Law of January 30, 1854, article 12, 'The foreign residents will be subject to military service in case of foreign war, excepting the war be with the country of which they are citizens.'" I cite this part of the judge's answer to my letter of May 27 to show that he did not then deny that call was for armed military service. The judge also states in his letter that Mr. Walsh, Dr. Camp, and Mr. Aldrete are not recognized as American citizens.

In November, 1877, all foreign residents here were summoned to appear at the court-house and prove their titles to foreign citizenship and protection. Mr. Walsh, Dr. Camp, and others did present themselves and proved their titles to American citizenship and protection. Mr. Aldrete was in Monterey at the time, but was represented by his son, Ishmael Aldrete; and these facts are or should be on record in the archives of this town.

The statement of the judge that until said Walsh, Camp, and Aldrete prove their nationality in the forms prescribed, they will be taken and treated as being citizens of a country having no relations with Mexico, in my opinion conveys a threat which, if carried into execution, will seriously endanger the liberty, property, and well-being of the said gentlemen.

Yesterday afternoon the judge summoned Messrs. Walsh, Camp, and Aldrete to appear at the court-house, and, on their presenting themselves, the judge told them that they had been summoned for the purpose of exacting the fine of \$25 each, as more than a month had passed and he had not heard from the Government at Mexico in relation to the matter. The gentlemen asked that I might be sent for, which was done. On my arrival, they explained that, notwithstanding that the judge had agreed to let them go on parol until the question was finally settled by the two governments, he had rearrested them and demanded that the fine be paid immediately. I told the judge that my understanding was that he had agreed to let the gentlemen go on parol until the question was finally settled, but that if he was afraid that they would break their parol, they would give bonds for appearance and payment of the fine in case the question should go against them, or, if he preferred, they would deposit the amount of the fine either with the collector of customs or with Messrs. Daniel Miluso & Co., the money to remain in deposit subject to the decision of the two governments.

The judge refused both these propositions and declared that the fine must be paid immediately to him, or he would take such measures as he thought proper. I told him that the gentlemen respectfully refused to pay the fine and he could proceed as he thought best. He said, "Very well; the gentlemen are prisoners, and I will attend to them." At the same time he directed the chief of police to be within call, as he would be needed. I asked the judge if he would take bond for the appearance of the prisoners the next morning. He said that he had the gentlemen present and neither needed nor would take any bond.

I immediately went to Laredo, Tex., and telegraphed to you that Messrs. Walsh, Camp, and Aldrete had been arrested and imprisoned for refusing to pay the fine. When I returned at night I met Mr. Aldrete, who informed me that the judge had just accepted the proposition to deposit the money with the collector of customs, and had let them go on those conditions.

Many of the citizens here disapprove of the arbitrary acts of the judge, and the general opinion is that the arrest and imprisonment yesterday of the gentlemen named was simply an attempt to frighten them into paying the fine, which once in the judge's hands would be difficult to recover even if both governments decide the fine and imprisonment to be illegal. The judge on seeing that the gentlemen were determined to go to jail before they would pay the fine, concluded to accept the proposition which he had at first declined with scorn. I have no doubt that the judge will be ordered by his government to apologize for his insulting language in his letter to me of the 9th instant.

I have the honor to be, very respectfully, your obedient servant,

JAMES J. HAYNES,  
*United States Commercial Agent.*

HON. JOHN W. FOSTER,  
*United States Minister to Mexico.*

[Inclosure 2 to inclosure 1 in No. 766.]

*Mr. Haynes to the President of the Ayuntamiento.*

COMMERCIAL AGENCY OF THE UNITED STATES OF AMERICA,  
Nuevo Laredo, July 8, 1878.

Sir: I have the honor to inform you that I have received an answer to my dispatch to the Department of State at Washington, relative to the imprisonment by the civil authorities of this town of Mr. Thomas Walsh, Rafael Aldrete, and Dr. W. W. Camp for refusing to render armed military service on the 24th and 26th days of May of the present year.

The honorable Secretary of State directs me to call your attention to the ninth article of the treaty of 1831, which exempts citizens of both countries from compulsory military service in either; and that in case the attempt adverted to had succeeded or should be repeated, the Mexican Government will be held to a strict accountability therefor; that the government of the United States of America is determined to see that the stipulations of the above-mentioned treaty are faithfully complied with.

I now have the honor to renew my demand that Mr. Thomas Walsh, Dr. W. W. Camp, and Mr. Rafael Aldrete be immediately released from all responsibility as regards fine or imprisonment for refusing to obey your summons of the 24th and 26th of May, 1878, to render armed military service in this plaza.

Awaiting your answer, I have the honor to be,

Very respectfully, your obedient servant,

JAMES J. HAYNES,  
United States Commercial Agent.

The Hon. PRESIDENT OF THE AYUNTAMIENTO, Nuevo Laredo.

[Inclosure 3 to inclosure 1 in No. 766.—Translation.]

*Mr. Escamillo to Mr. Haynes.*

MUNICIPAL PRESIDENCY OF NUEVO LAREDO.

The communication which you have been pleased to address to this authority under yesterday's date has been received, the imperative and menacing style of which we do not judge the most proper one to arrange international questions like the one which unfortunately occupies us at present.

The treaty of July 10, 1863, agreed upon by the Mexican Republic and the United States of America, points out the manner in which such cases should be conducted, and the same gives authority neither to the Secretary of State of the Government of Washington, nor much less to a subaltern agent as you are, to dictate menacing orders to this authority, which does not find itself under your dominion, and has its own proper government. For these reasons the Messrs. Walsh, Aldrete, and Camp remain, and will remain, subject to the fine imposed upon them until we have the resolution of the functionaries of our republic.

Besides, your said communication shows that you have surprised your government with assertions which are totally false, as this authority has not compelled the said gentlemen to military service to which you refer, but to a city police service, either personally or by a substitute, which the extraordinary circumstances exacted, to preserve the public order and tranquillity, menaced by a force without a flag and which had not the character of being a public enemy.

More, the said Walsh, Aldrete, and Camp, as you know and has been made known to you, are not recognized as American citizens, they neither having proved their nationality nor matriculated themselves (or been matriculated); both these requisites prevent them from enjoying the special rights allowed by the treaties between Mexico and the United States; and even if they could enjoy the rights and prerogatives conceded by international laws as well as by those of the republic in which they reside, in any way this authority while the said Walsh, Aldrete, and Camp do not prove their nationality in the form prescribed by the treaties of both countries, to which you refer and which are in force, they will be taken and treated as being citizens of a country having no relations with Mexico, and they will not be considered either as Mexican or United States citizens until they prove to be the latter by certificate of matriculation; saving the superior resolution of the Mexican Government.

This is all which I can say at present in answer to your said official communication. Liberty in the constitution.

N. Laredo, July 9, 1878.

LAZARO ESCAMILLO—(a rubric).  
J. CERDA, *Secretary*—(a rubric).

JAMES J. HAYNES,  
Commercial Agent, Present.

[Inclosure 2 in No. 766.—Translation.]

*Mr. Mata to Mr. Foster.*DEPARTMENT OF FOREIGN AFFAIRS,  
*Mexico, August 19, 1878.*

MR. MINISTER: In reply to your excellency's note of the 5th instant, relating to the arrest of Messrs. Thomas Walsh, W. W. Camp, and Rafael Andrete, ordered by the municipal president of Nuevo Laredo, I have the honor to state to you that upon the receipt of the said note this department already had notice of the affair, and had asked detailed information concerning it. As soon as this is received it will be pleasant for me to communicate to your excellency the resolution of the government.

I am, very respectfully, your excellency's obedient servant,

J. M. MATA.

His Excellency JOHN W. FOSTER,

*Envoy Extraordinary and Minister Plenipotentiary of the United States of America.*

No. 357.

*Mr. Foster to Mr. Evarts.*

No. 773.]

LEGATION OF THE UNITED STATES,  
*Mexico, September 3, 1878. (Received September 24.)*

SIR: In your dispatch No. 401, of July 3, 1877, I was instructed to complain to the Mexican Government of the firing into Consul Sutter's boat, carrying the American flag, at Acapulco, in May, 1877. In my No. 576, of July 20, 1877, I reported that I had presented the matter to the minister of foreign affairs, who promised to give the subject prompt attention.

The matter has been several times presented by me to the minister in our conferences during the past twelve months, but having failed to obtain any action or definite answer, I sent to him, under date of July 23, last, a formal note recapitulating the facts of the case and remonstrating against further indifference and delay.

The minister answered me on the 5th ultimo, expressing regret at the occurrences, and stating that the investigations held had failed to discover who had been guilty of the firing, and denying that it had been intentional; but in view of the failure of the commandant of the fort to investigate the affair at the time, his trial had been ordered.

In my reply of the 31st ultimo, I stated that my government would doubtless be gratified at the expressions of regret manifested in the minister's note, and would duly appreciate the efforts which had been made to ascertain the authors of the outrage. I was satisfied that unless some example was made at Acapulco, for the event, it would only be an encouragement toward similar acts, and I therefore expressed the opinion that the facts justified some more summary action against the commandant than had been taken, as the trial ordered will, doubtless, amount to nothing in that port.

I am, &c.,

JOHN W. FOSTER.

[Inclosure 1 in No. 773.]

*Mr. Foster to Mr. Mata.*LEGATION OF THE UNITED STATES,  
*Mexico, July 23, 1878.*

SIR: The consul of the United States at Acapulco officially reports to this legation that during the conflicts which took place between the troops belonging to the revolu-

tionary forces of General Diaz and those of General Alvarez, late Lerdist governor of the State of Guerrero, at the port of Acapulco, in May, 1877, on the 28th and 29th of said month, the flag of the United States was intentionally fired upon by the forces of General Diaz while the said consul, in company with the other consular representatives of foreign nations then in Acapulco, was passing in the consul's boat to the Mexican gunboat Mexico, with the object of securing some protection to the lives and property of their countrymen exposed to the bombardment then going on.

On the 20th of July, 1877, I called upon the late Secretary of Foreign Affairs; left with him a written statement of the facts as then known, and asked that an investigation be made with a view to such reparation as was due to the honor of my government. Mr. Vallarta in that interview assured me that the matter should have prompt attention.

On the 23d of November, 1877, having up to that date received no communication or information from the Mexican Government on the subject, I again called Mr. Vallarta's attention to it, and submitted, to him a written proposition for a method of settling this and other pending questions at Acapulco. On the 27th of the said November Mr. Vallarta stated to me that this, with the other questions, had been submitted to the President for his consideration, and he had been instructed to inform me that the Mexican Government could not, with a due regard for its dignity, consider and adjust them previous to a recognition of said government by that of the United States.

On the 15th of April last, in the first interview which I had with the late Secretary of Foreign Affairs, after my government had officially recognized that of President Diaz, I left with Mr. Vallarta another written memorandum referring to the previous one of November 23, 1877, and expressed to him my earnest desire to secure a proper satisfaction for the indignity which had been offered to the American flag at Acapulco.

I have waited patiently up to the present date without having received any information as to the result of the investigation which was promised in July, 1877, and without having had any proposition made by the Mexican Government for a settlement of this grave affair, which so seriously affects the honor of my country. Your Excellency will, I think, agree that I am justified in insisting that the Mexican Government shall cease to treat this subject with indifference, and shall take some prompt and decided steps to meet the just demands of the Government of the United States. I have, therefore, to request that Your Excellency will at as early a day as possible inform me of whatever action it has taken and of the decision of the Mexican Government on the subject.

With the renewed assurances of my distinguished consideration, I remain,

Your excellency's obedient servant,

JOHN W. FOSTER.

[Inclosure 2 in No. 773.—Translation.]

*Mr. Mata to Mr. Foster.*

DEPARTMENT OF FOREIGN AFFAIRS,  
*Mexico, August 5, 1878.*

Mr. MINISTER: I had the honor to receive Your Excellency's note dated July 23 last, in which you are pleased to state that the consul of the United States in Acapulco officially informed your legation that during the conflict had between the revolutionary forces and those of General Alvarez, in the port of Acapulco, on the 28th and 29th May, 1877, the flag of the United States was intentionally fired upon by the forces of General Diaz, while the said consul, in company with the consular representatives of other foreign nations then resident in Acapulco, was passing in the boat of the consul to the gunboat Mexico, with the object of obtaining some protection for the lives and property of their fellow-countrymen exposed to the bombardment which was then taking place.

Your Excellency is pleased to add that on the 20th of July, 1877, you left a written statement of the facts with my predecessor, and asked that an investigation should be made with the object that due satisfaction might be given to the honor of Your Excellency's government, and that my predecessor assured you that this matter would be promptly attended to.

Your Excellency adds, that on the 23d of November, 1877, not having received up to that date any note or report whatever from the Mexican Government in regard to the matter, you called the attention of my predecessor to it and submitted to him a written proposition as to the mode of arranging this and the other questions pending in Acapulco. That on the 27th of the said November, Mr. Vallarta stated to Your Excellency that this and the other questions had been submitted to the consideration of the President, and that he had been instructed to inform Your Excellency that the Government of Mexico could not with respect for its dignity consider and arrange the said

questions previous to the recognition of the said government by that of the United States. That on the 15th of April last, in the first interview which Your Excellency had with my predecessor, after your government had recognized that of President Diaz, you delivered to Mr. Vallarta another written memorandum referring to the former one of November 23, 1877, and expressed to him an ardent desire to obtain adequate satisfaction for the indignity done to the American flag in Acapulco.

Your Excellency is pleased to conclude your note by stating that you have waited patiently until now without having received any information whatever concerning the result of the investigation promised in July, 1877, and without having received any proposition whatever on the part of the Government of Mexico for the adjustment of this grave affair which affects so seriously the honor of Your Excellency's country, and you believe you are justified in insisting that the Government of Mexico shall cease to treat this matter with indifference, and that it adopt prompt and decisive measures for satisfying the just demand of the Government of the United States; and you ask me, in consequence, to inform Your Excellency so soon as may be possible of whatever action may have been taken and of the decision of my government with regard to this matter.

The explanation of facts which I will make to Your Excellency, in reply to the note which occupies my attention, will, I hope, be sufficient to correct the idea which the said note contains, to the effect that the government has treated the grave matter to which reference is made with indifference, and will convince you that the delay which has occurred in giving to Your Excellency the reports desired, and in communicating to you the resolution adopted by the government has been occasioned by the character of the investigation ordered, and by the desire of the government to prosecute it to its farthest limits, to the end that it might be ascertained whether or not the act treated of was intentional, and, if so, to discover its authors, in order that, on being submitted to trial, condign punishment might be applied to them by the tribunals.

When Your Excellency was pleased to leave an informal statement of the act in this department on the 20th of July of last year, it was ordered without loss of time, on the 21st, that an investigation should be instituted by the respective military tribunal, the report of which was received in this department on the 5th of the following September. With the hope that the truth would be found in it, the said report was examined, and although at first, on reading the joint note which the consuls of the United States and Guatemala addressed to the commander of the war-steamer Mexico on the 30th of May, in which they say, "we have the testimony of an eye-witness who saw the act within the castle itself, and we know perfectly well by whom it was ordered and executed"; and on seeing also the assertion of the said consul of the United States in the note which he addressed to the prefect and military commander of Acapulco, on the 13th of June, to the effect that Pedro Garcia Leonardi was an eye-witness of the act, there appeared to be reason for expecting that no difficulty could be presented in proving that the act had been intentional and who its author was; still, on continuing the examination of the documents, it was seen with pain that notwithstanding the consul of Guatemala declared that Pedro Garcia had privately told him who gave the order to fire upon the boat, the said Garcia resolutely denied in his declaration of June 18 (inclosure No. 1) that he had said what was affirmed by Mr. Pintos, the consul of Guatemala, in his declaration (inclosure No. 2), and he afterwards confirmed his denial in the confrontation which took place between the two (inclosure No. 3).

Neither was it possible to obtain the light which was looked for from the declaration of the consul of the United States on June 22 (inclosure No. 4), since he limits himself in it to repeating what he had said in his note to which reference has already been made, without presenting proof of his statement.

To increase the confusion, the said Mr. Pintos presented himself on the 24th of the same month of June, asking to amplify the declaration which he made on the 12th (inclosure No. 4), with the object of stating that, although he had designated the person who gave the order to fire upon the boat in consequence of the fact having been communicated to him by Pedro Garcia, he had found out afterwards that it was not true that such person had given the order, but another; and that he knew this from having heard it said by certain soldiers who went out of the fort, whom he did not know, neither did he hear them name the person who gave the order.

As the first measures were unavailing which were set on foot to ascertain whether or not the act had been intentional, and in the latter case who were its authors, the government, animated by an earnest desire to ascertain the truth, ordered the investigation to be continued, requiring that all persons who could present any data in the affair should be called upon to testify, and that the question as to who should be suspected of having participated in the crime should be submitted to their judgment.

The new investigations, which were prosecuted with scrupulous diligence and the trial carried on against all the officers of the garrison of the fort of Acapulco in regard to those who might be suspected of having given the order to fire upon the boat, were not received until the 25th of last May, and they tended to demonstrate that no proof

could be obtained to the effect that the projectiles which went in the direction of the boat were directed deliberately.

Among the declarations obtained from persons who witnessed the combat, that of Lieutenant of Marines Luis L. Romano (inclosure No. 5) is noteworthy. Being on board the war-steamer Mexico on the day of the event, he could witness the direction of the shooting, and his testimony, which may be considered as impartial, if it does not constitute a perfect proof, does give rise to a well-founded presumption that the projectiles which went in the direction of the boat may be considered more properly as the consequence of the latter having entered within the line of fire which was crossed crossed by the course the boat followed than as a deliberate intention.

The government, which has made every effort within its power to discover the truth, with the firm resolution that the author of the act should be exemplarily punished if it was proved that that act was intentional (as in such case it would have constituted a crime worthy of the most serious reprobation and its author have merited the severest punishment), not having been able to demonstrate such truth, and being obliged in consequence to characterize the act as not culpable (although very much to be regretted, not only because it produced the suspicion of having been intentional and for the same reason highly offensive to a friendly nation, but because it would also have constituted a base attack upon persons who, aside from the official character with which they were invested, were engaged in a noble and humanitarian mission), believe it should inform Your Excellency that on learning of the event it experienced the most profound pain, and not having discovered any person upon whom to fasten the guilt of the same, it has nevertheless ordered the trial of the chief who commanded the fort at Acapulco on the 28th of May of last year, not for the fact itself, inasmuch as it has not been proved intentional, but because of having failed to perform his military duty in not at once ordering the corresponding investigation when the act took place.

In view of the foregoing, the government hopes that its proceedings in this lamentable affair will convince Your Excellency and your government of the solicitude with which it has endeavored to discover the truth, animated as is found by the desire that no act should take place which could be of an offensive character to the dignity of the United States, and of its resolution to cause the person or persons to be severely punished who, failing to perform the duties which the principles of public law impose upon them, violate the same.

Your Excellency will be pleased to accept the assurances of the distinguished consideration with which I am, your obedient servant,

J. M. MATA.

His Excellency JOHN W. FOSTER, *fcc, fcc, fcc*.

---

[Inclosure 1 to inclosure 2 in No. 773.]

*Military command of Acapulco.*

Not until the 18th of the same month (June, 1877) did the citizen Pedro Garcia present himself in this office, as he was not in the city, for reasons or fears concerning the condition of affairs occasioned by the revolution; and he took oath to speak the truth with regard to the questions asked him, and said that his name is as given; a native and resident of this port; married; of age; and a merchant. On being questioned in conformity with the summons served upon him in this investigation, he said that on one of the last days of the past month, having taken refuge aboard the national war-vessel Mexico, from fear of the revolution, he left said vessel for the American barge, anchored in this bay, in the boat of the Pacific Mail Company, in company with Messrs. John Sutter, Antonio Pintos, Cecilio Arosemena, José Judar, and Martin Alsuyeta, of the commerce of this city; that in the said passage from the war-steamer to the barge the conversation turned upon the firing which had taken place in those days between the plaza and the castle, and the witness said also that they had fired a great deal and in every direction; that about two days after this (he does not remember the date) Señor Don Antonio Pintos went to the barge and asked of the witness, privately, whether he knew who had fired upon the boat of the consul of the United States of the North; that witness replied that he did not know; and that then Señor Pintos replied to him that it was all right, and that, in order to establish this, the word of one consul and four merchants who witnessed it was enough; which is all he has to say. And the foregoing is the truth affirmed and ratified, and he signed upon its being read to him with the citizen prosecuting attorney and present secretary. I certify.

FRANCISCO MEJIA.

PEDRO GARCIA.

MARCELINO DELGADO,

*Secretary.*

[Inclosure 2 to inclosure 2 in No. 773.]

MILITARY COMMAND, *Acapulco*.

In view of the foregoing declaration, the citizen prosecuting attorney and present secretary immediately went to the house of Señor Don Antonio Pintos, consul of Guatemala in this port; and on arriving there and the said gentleman being present, he took oath to speak the truth in all that was asked of him; and being questioned as is customary, he said that his name is as given; a resident of this port; married; of age; a merchant, and consul of the republic of Guatemala in this port. On being asked the corresponding question, he said he ratifies, in every respect, what the consular corps of this port said officially to the commander of the national war-vessel Mexico in the communications annexed to this record; and he adds that when, as a favor, they carried Pedro Garcia from the said vessel to the barge, the latter informed them that the act of firing upon the boat of the consul of the United States of America had been intentional, and ordered by an officer of the castle; this occurred in the presence of the persons in the boat mentioned by Garcia himself. That not having given the name at that time of the officer to whom he refers, in order to be better assured, all those gentlemen who were under fire in the boat agreed that the witness should go to the barge to ask privately of Garcia the particulars of this act, as the witness did; and on asking Garcia, the latter replied that he did not wish to compromise himself, but that the person who gave the order to fire upon the boat containing the consul of the United States and the other said persons was Camilo Bracho; that this gentleman (?) gave this order to five soldiers very close to Garcia, who was seated in a hammock with a little child; that he did not give to witness the names of the soldiers, and that this revelation was made to him alone, without any one being present. That this is the truth, which is affirmed and ratified, and he signed upon its being read to him, with the citizen prosecuting attorney and present secretary. I certify.

F. MEJIA.

ANTONIO PINTOS.

MARCELINO DELGADO,

*Secretary.*

[Inclosure 3 to inclosure 2 in No. 773.]

(A seal, which says "Comandancia Militar de Acapulco.")

On the same date appeared Pedro Garcia and Antonio Pintos, consul of Guatemala, with the object of confronting them, and they took oath to tell the truth. The customary preliminaries are omitted, as they appear in these proceedings, and on being informed of their declarations and advised of the contradictions noted in them, the former said that the statement in his declaration is the truth, without adding to it or taking anything from it, and that he does not remember of having said anything else. The latter said that what he has said is true, and that he had no occasion whatever for lying, a practice to which he is not accustomed, his reputation being known to the entire community; that for such reason he reaffirms what he has said in his declaration, and it not being able to make any further advance in this confrontation, it was suspended, subject to being considered, if it should be necessary; and on its contents being read to the confronted witnesses it was affirmed and ratified, with the prosecuting attorney and present secretary. I certify.

F. MEJIA (a rubric).

PEDRO GARCIA (a rubric).

ANTONIO PINTOS (a rubric).

MARCELINO DELGADO (a rubric), *Secretary.*

[Inclosure 4 to inclosure 2 in No. 773.]

(A seal which says: "Comandancia Militar de Acapulco.")

On the same date Mr. John Sutter, being present in his house with the object of giving his testimony, took oath to speak the truth in regard to what he should be asked, and said: That his name is as given, a native of Germany, and an American citizen, married, of age, and consul of the United States of America. On being asked the corresponding questions he said: That he confirms what he said in his communication annexed to this record marked with the numbers 2 and 3; that the house and flag referred to in the communication on pages 4, 5, and 6 is that of Messrs. Olzuyetas Bros. & Co.; that the principal persons of the barge referred to in his said communication are Don Pedro Urñuela and Don Antonio Silva; that he has nothing more to

say at present, and the foregoing is the truth. Affirmed and ratified, and he signed with the citizen prosecuting attorney and present secretary. I certify.

F. MEJIA (a rubric).

J. A. SUTTER (a rubric),

*United States Consul.*

MARCELINO DELGADO (a rubric),

*Secretary.*

On the 24th of the same month, Señor Don Antonio Pintos presented himself in this office and asked to amplify his declaration, for which purpose he received the oath to speak the truth concerning what might be asked of him; the preliminaries are omitted as they appear in this proceeding. Being asked what he had to say in amplification of his declaration, he said, that although it is true that Don Pedro Garcia told him that Don Camilo Bracho was the person who gave the order to fire upon the boat of which he spoke in his declaration, he has since learned that it was not Bracho, but another person who gave the said order; that he heard this said by some soldiers who went out of the fort whom he did not know, neither did he hear them mention the person who gave the order; that as he has no desire that any person should be unjustly accused, he asks that the foregoing be considered in evidence for the proper effects; that he did not ask of the said soldiers their names, nor that of the responsible persons, because he supposes that the facts will be discovered in the proceedings in progress.

MEJIA (a rubric).

ANTONIO PINTOS (a rubric).

MARCELINO DELGADO (a rubric).

*Secretary.*

[Inclosure 5 to inclosure 2 in No. 773.]

(A seal which says: "Military office of the garrison of the Plaza of Mexico.")

*Declaration of the lieutenant of marines, Luis L. Romano.*

On the 1st of December of the present year appeared the citizen Luis Lopez Romano, who, after taking the lawful oath to speak the truth in regard to what might be asked him, and which was as customary, said: That his name is as given, from Zacatecas, twenty-four years old, unmarried, and at present lieutenant of marines in commission in this plaza. On being asked if he witnessed the events which occurred on the 27th and 28th of May, 1877, in the town of Acapulco, and in this case to state what he knows in regard to the particular, he said: That for the better understanding of the declaration which he has to make in regard to the events (because the explanations which he might give of the case in regard to the questions put to him would be of no service on account of the want of information concerning the topographical situation of things where the said events took place), he has thought it absolutely necessary to form and present to this office in the shortest time possible a chart of the fort of Acapulco and of the town, upon which he will be able to point out the situation of the belligerent forces, and also the position of the gunboat called the Mexico in the bay of the port, as well as the course followed by the boat of the consuls, in order that in this manner he may demonstrate that if said boat received certain projectiles, it was more probably the result of the imprudence of the consuls themselves for having entered the lines of fire which crossed each other from three different points; from which it is justly inferred that neither of the three points where the firing was going on, none of them, fired intentionally upon the boat of the consuls. What he has stated may be corroborated by the commander of the gunboat Mexico, Juan Soler, the official José de la Cruz, marine guard, and the purser of the vessel, José Gonzalez Jimenez, which three individuals are at present in Mazatlan. On being asked if he knew that the commander, José Ramirez, ordered fire to be made upon the boat of the consuls, and in this case to state through what medium or in what manner he learned it, he said: That in view of the position of Commander Ramirez with the force of his command it is in every way impossible that he could have made fire, or ordered it to be made upon the boat of the consuls, inasmuch as the said Ramirez was in that part of the fort which faces to the north, and the boat of the consuls was on that side of the same fort which faces to the south; lastly, he states that First Marine Lieutenant Don Juan B. Verde, who is at present in this capital, can also testify concerning the facts investigated, since, although he was not present on the day of the event at the port where it took place, he arrived there two or three days afterward and knew all that had occurred. Finally, he states that Commander Ramirez was appointed military commander of the Plaza of Acapulco at that time, upon the petition of the said consuls, and with the concurrence of the belligerent forces, and of the commerce of the said Acapulco, since all of them had absolute



confidence in the aforesaid Commander Ramirez. That what he has said is the truth in conformity with the oath taken. On being informed of this his declaration he confirmed, ratified, and signed it in union with the citizen fiscal judge and present secretary. I certify.

LUIS L. ROMANOS (a rubric).  
 VARELA (a rubric).  
 A. CARVILLO (a rubric).

[Inclosure 6 to inclosure 2 in No. 773.]

#### NATIONAL SQUADRON, SECOND LIEUTENANT.

I have the honor to inclose to you the chart of the armed contest which took place in Acapulco on the 28th of May, 1877, as I promised in the declaration which, as a witness of the events, I made in the examination instituted against Col. Vincente Sanchez and Commander José Ramirez; and in order that said document may better serve to demonstrate the danger to which a boat would be exposed in passing between fires at the time of conflict, he agrees to mention certain local conditions and circumstances which cannot be made to appear graphically in the chart.

The projecting point of the fort completely controls the waters of the port on account of its situation, and the contour of the ground being a gentle decline, the force within its confines can with simple musketry reach the beach of the wharves, distant about 800 meters at the most inner curve of the shore, and it is, in consequence, within reach of the Remington.

As on the 28th of May the federal force and auxiliaries which garrisoned the said fort was very small, the outside works were not garrisoned, and for this reason the enemy took possession of the works of the esplanade, on the 27th, in the morning, and was constantly firing upon the fort and the boats of the gunboat. On the 28th, in the afternoon, the riflemen in these works supported energetically the attempt at assault made by the besieging forces, and it was very natural that the fort and the gunboat should concentrate at one time their fire upon the said works. Very well, then; the oblique fire from the front of the fort against the trees to the left had to reach the beach of the wharves, and if from either of them at the time of the combat any boat started off in the direction of the war-vessel, it had necessarily to run great risk from that fire before entering the cross-fire of the enemy and of the gunboat, and it could have been hit in almost all its passage, as well in going as in coming, by balls which were not directed with such intention.

As the slope of the fort which looks to the north was the most accessible for the assault, because the position of the gunboat contributed only to the defense of the sides facing west, south, and southwest, it had been decided to situate the federal force on the northern side; said force being more accustomed to war and of greater confidence. If this disposition of the forces existed on the 28th in the afternoon, and it is shown thus in the investigation instituted, it will be easy to prove that if certain shots, at the time of the combat, struck or could have struck a boat on leaving the wharf or on returning to it, when close to the beach, these shots came from the front of the fort, defended by auxiliaries, in their fire upon the works to the left, which attacked them, and not from the federal force, which fired in the opposite direction, against the enemy in the field to the north.

Liberty in the constitution!

Mexico, March 12, 1878.

LUIS T. ROMANO.

To the citizen general first fiscal of the garrison of the Plaza of Mexico.

[Inclosure 3 in No. 773.]

*Mr. Foster to Mr. Mata.*

LEGATION OF THE UNITED STATES,  
 Mexico, August 31, 1878.

SIR: The note which Your Excellency did me the honor to send to this legation under date of the 5th instant, in relation to the firing upon the flag of the consul of the United States at Acapulco in May, 1877, was duly received, and it, together with its inclosures, has been carefully examined.

My government will doubtless be gratified to be informed of the displeasure and pain expressed in said note with which Your Excellency's government received the news of the event in question, and will duly appreciate the efforts which have been

made by it to ascertain the authors of the outrage perpetrated upon the flag of the United States. It will, at the same time, be disappointed that no punishment has as yet followed that occurrence, and that the insult remains without the reparation which I think the facts of the case demand should be publicly made in the port where it took place, in order to impress upon the local authorities the necessity of greater respect for the Government of the United States. I have no disposition to prolong the discussion upon this affair, but I think I ought to direct attention to a few facts in acknowledging receipt of Your Excellency's note. The said note seems to overlook the fact that the consuls of the United States, Guatemala, and Colombia, in their official communication to the commander of the naval steamer Mexico, of May 28, 1877, expressly charge that the firing was made directly upon their boat, and in that of the 30th of the same month they repeat the declaration and give circumstances and reasons to prove that the said firing was intentional. There is no evidence in the documents inclosed with Your Excellency's note to disprove the facts therein stated. The declaration of Lieutenant Romanos is not that of an eye-witness, as he does not claim to have seen the boat at the time the firing took place, and he only presents a hypothetical case based upon a diagram of the localities. The fact is unquestioned that the consul's boat had already made two or more trips between the town and the gunboat without any shots having been fired; and the outrage was the more inexcusable as the combatants in the fort well knew the humanitarian mission in which the consuls were engaged.

It is natural to suppose that the consuls could not with certainty fix the guilt upon the persons who really fired the shots, and after allowing so much time to elapse before an investigation was had, I recognize the difficulty which Your Excellency's government would encounter in discovering the immediate authors of the insult. Under such circumstances Your Excellency was correct in fixing the fault upon the commandant of the fort, but I regard the action of the government in simply ordering the trial of said official as inadequate to the circumstances of the affair. It is confessed that he failed in his duty. In view of the facts, it would seem that the President would have been justified in exercising his faculties as commander-in-chief by such summary reduction of said officer from his command and rank as would have satisfied the authorities in that port that they could not outrage the flag of a friendly nation with impunity. If the trial of the commandant is to take place before a court composed of officials at or in the vicinity of Acapulco, or if it is to be prosecuted with no greater diligence than has marked the investigation thus far, I fear that exemplary punishment will be so long delayed, if inflicted, as to lose in a great measure its efficacy.

I embrace this occasion to renew to Your Excellency the assurances of my distinguished consideration.

JOHN W. FOSTER.

---

No. 358.

*Mr. Foster to Mr. Evarts.*

No. 777.]

LEGATION OF THE UNITED STATES,  
Mexico, September 7, 1878. (Received September 24.)

SIR: The government has thus far successfully resisted all the attempts at insurrection. General Pedro Martinez, who was in revolt in the north, has surrendered himself to General Treviño at Monterey, and the Minister of War has advised that Amador, another rebel chief in that locality, had been killed. In the mean time, however, a battalion of the regular army, stationed at Jalapa, the capital of the State of Vera Cruz, "pronounced" on the 16th ultimo, and carried the entire garrison with it, numbering near one thousand men. Among their first acts were the levy of a forced loan of \$10,000 and the release of all the criminals from the prisons. The government, with much promptness, sent by railroad from this city and other points near three thousand troops against the revolutionists, and within a week or ten days they were captured or dispersed, without much bloodshed.

Small bands are reported in arms in various parts of the country, but there is no present indication of any formidable gathering sufficient to give any alarm to the constituted authorities. The revolt at Jalapa

appeared for a time to be serious, as it indicated strong discontent within the army; and this feeling was about to manifest itself in this city during the present week, as it appears that a conspiracy was discovered in one of the barracks of the garrison, and an entire regiment, just on the eve of a "pronunciamento," was dissolved, the rank and file distributed to other corps, and the leading officers imprisoned. But there appears to be a general disinclination to precipitate the country into another revolution; while, on the other hand, the opposition to and dissatisfaction with the administration do not diminish, but seem to be increasing.

One of the chief sources of this dissatisfaction is occasioned by the great scarcity of the federal treasury. This was alluded to in my last dispatch on current events as a reported danger to the government, but it has since become a public and acknowledged fact. All departments of the government, except the members of Congress, are in arrears of pay for the month of August, and as the officials and clerical employés cannot be paid, all public improvements, claims, and all kinds of demands against the treasury must share the same fate. The discontent occasioned by this state of affairs is becoming very widespread. A significant incident occurred within the past few days, illustrating the dissatisfaction which the bankruptcy of the treasury occasions. It was reported in the newspapers that the federal supreme court had adjourned its sessions *sine die* because of its failure to be paid. This erroneous report originated in the representation which was made by its subordinate employés to the court that they could not subsist without wages, and as they were receiving none from the government, they asked permission to engage in whatever occupation they could find outside of the court; whereupon it was ordered that the permission be granted. The court likewise appointed a committee of two of its magistrates to call upon the Minister of Finance and ascertain why the salaries and wages of that department of government were not paid. The committee discharged its duty and submitted a report to the court, which body ordered it to be published in the newspapers, a translation of which I inclose.

This report discloses some important facts. Its whole tenor and the action of that tribunal show that there is a deeply-rooted hostility between the latter and the Executive. In the discussion which occurred with the committee, the Minister of Finance informed them that the President had determined that the order of payment from the treasury should be first to the legislative power, second to the executive power, and third to the judicial power. The committee, referring to the constitution, claimed that the judiciary should be paid next after the President and in preference to the legislative department. They stated that the court thought it strange that in a time of comparative peace the treasury should be so scarce of funds as to leave unprovided for the functionaries and employés of so important a branch as the judicial power.

The minister, in reply, held that the President's construction of the constitution was correct; that the legislative department only had been paid in full from the 1st of August, and that an effort had then been made to pay the army in part, as it, being "composed mostly of impressed men, was always disposed to rebel if not punctually paid, being thus a constant menace to the public tranquillity."

The minister's reasons for the poverty of the treasury make public acknowledgment of the disorganized and bad state of the commerce of the country, as he states; orders for importations had so greatly decreased and smuggling had so largely increased, that honest commerce

was ruined, and the treasury was so reduced as to require the combined efforts of all the functionaries of the federation as well as of the States to redeem the country from its present troubles. This condition of affairs is bearing its natural fruits in bringing the government into serious embarrassments. The wholesale smuggling, which the minister says "ruins honest commerce," has brought upon the administration the denunciations of the mercantile and manufacturing interests throughout the whole country, which charge that this illicit trade is carried on through complicity with high officials, whom the President has not the strength to remove and punish. It also leads to smuggling in other parts of the republic, the practice being contagious as the *Diario Oficial*, the government gazette, in explaining Minister Romero's interview with the committee of the court, says that the smuggling is not confined to the Rio Grande frontier, but exists in other parts of the country.

Another embarrassment consequent upon the poverty of the treasury is that the minister of that department is seeking for other and additional methods of taxation, and he has alarmed all the property and business interests of the country, lest it will fall too heavily upon their particular branches. In this country, with many it is a sufficient inducement to encourage a revolutionary change of government in the hope of avoiding an impending tax or forced loan.

It is understood that Mr. Romero, Secretary of the Treasury, annoyed by the difficulties which he has encountered, tendered his resignation, but the President refused to accept it and he has been induced to withdraw it. Mr. Mata has also asked to be relieved from the portfolio of Foreign Affairs, and the President will at an early day yield to his wishes and permit his retirement. The announcement has been made in the *Diario Oficial* that the resignation of Mr. Zamacona, as minister at Washington, has also been sent in, and he is expected to return to Mexico next month.

I inclose an editorial article from the *Monitor*, an independent newspaper, which has been friendly to President Diaz, giving its opinion of the situation of the country, a view which quite generally prevails with persons outside of strictly official circles.

The anniversary of the battle of Churubusco was celebrated on the 20th ultimo, and that of Molino del Rey will be to-morrow participated in by the government officials.

I am, &c.,

JOHN W. FOSTER.

---

[Inclosure 1 in No. 777.—Translation.]

*Question of pay.*

[From the *Libertad* of September 5, 1878.]

SUPREME COURT OF JUSTICE OF THE UNITED MEXICAN STATES, FULL TRIBUNAL.

To the citizen editor of the *Libertad*, present:

By agreement of this supreme court of justice, and for the proper ends, I transmit to you a certified copy of the act of the session of to-day, to the end that you may be pleased to publish it in your paper.

Liberty in the constitution!  
Mexico, September 4, 1878.

ENRIQUE LANDA,  
Secretary.

*Act of September 4, 1878.*

The Citizen President Vallarta, Justices Altamirano, Ramirez, Montes, Ogazon, Alas, Blanco, Bautista, Guzman, and Saldaña, and the Attorney-General were present. The citizens Martinez de Castro and Vasquez were absent on account of sickness.

The foregoing being approved, the following statement was made:

The Citizen Justices Altamirano and Bautista having been named in the preceding session as a committee which, representing this supreme court, should inquire of the Citizen Minister of Finance why, in accordance with the terms of constitutional article 120, the remuneration of the services of the public functionaries of the federation were not paid, the said committee returned the following report; and which, on the motion of the Citizen Minister Ramirez, was ordered to be published with that part of the record relating thereto:

In the discharge of the commission which the supreme court of justice was pleased to confer upon us, we called, yesterday afternoon, upon the Citizen Minister of Finance, and called his attention to article 120 of the general constitution of the republic, which reads thus: "The President of the republic, the individuals of the supreme court of justice, the deputies, and other public functionaries of the federation, popularly elected, will receive compensation for their services, which will be determined by law and paid by the federal treasury. This compensation cannot be refused, and the law which increases or diminishes it cannot take effect during the period in which a functionary is in the exercise of his duties"; and we stated that in view of the fact that the month of August has passed, and the members of the supreme court have not received the compensation which is accorded to them by the law, this worthy body desired that the Citizen Minister of Finance should be pleased to state what reasons he had for not complying with the constitutional provision.

The Citizen Minister replied that the supreme court should do him the justice to suppose that this failure to pay was not occasioned by any other reason than a great scarcity of funds in the national treasury—a scarcity which had only permitted the payment of the amount due for the first two weeks in August to the members of the legislative corps, and something to the army, and for which reason the entire appropriation due to the executive power had not been paid, and nothing on the amount due to the judicial power. This preference in the payments had been determined upon by the President of the republic because in the opinion of that functionary, as well as in his own (the Minister of Finance's), they should be made thus in conformity with article 50 of the constitution, which mentions first the legislative power, second the executive, and third the judicial, as reasons of convenience, which were probably known to the court, made it thus advisable, since the army, composed in greater part of impressed men, was always disposed to rebel if it was not paid with punctuality, it being thus a constant menace to public tranquillity.

We replied that in the conception of the supreme court, the rule for paying the functionaries popularly elected, was contained, clearly and explicitly, in the text of article 120, which we have just read, and that according to that text the magistrates occupied the second place after the President and before the deputies; that it is true that article 50 mentions the legislative power first, the executive second, and the judicial third; but this article, which is essentially political, enumerates them thus in following out the spirit of democratic institutions, and according to the order of their functions, but that article 120 was the one which the framers of the constitution had expressly designated for determining the pecuniary compensation which the federal functionaries popularly elected should receive, and the order which should be observed in the payment, so that the latter article, and not No. 50, was the one which should serve as a basis for the distribution of the said compensations; that the court had said nothing up to the present with regard to this preference in the payment, because, as a general thing, it had received its apportionment at the same time with the other powers, this latter being in prosperous times for the national treasury, because in times of scarcity, on account of revolutions, it had suffered without complaining on any occasion the adversity which rested upon all; that to-day when the nation enjoyed peace, inasmuch as the small disturbances which have recently taken place are insignificant, it caused surprise to the court that the treasury should lack funds to such an extent as to leave destitute the functionaries and employés of so important a power of the administration as that of justice; that it feared that in consequence of this lack to pay the administration of justice would become paralyzed, inasmuch as it could not be required of employés of subordinate order that they should confine themselves to labors which were not remunerated, and more so when they had no other means of subsistence; that even on Monday an incident had occurred in the supreme court worthy of attention and which had already been given by the press, although in terms exaggerated and inexact. The secretary of the supreme court informed that body that certain employés asked leave to separate themselves from their labors for the purpose of obtaining other means of subsistence.

The president, with the approbation of the court, authorized the secretary to grant these requests, as he could not do otherwise when so serious a reason was alleged; and,

in consequence, several employes left the office one hour before the time fixed by the regulations.

The Minister said that he would inform the President of all the reasons which the committee had just given him, and that he was going to make an effort to pay the salaries of the first half of August, but that he could not do less than state that the extraordinary scarcity suffered by the treasury was due to the following causes, which it was not difficult to quickly remove. This was the first time; and as in the last months of the administration of Mr. Lerdo the commerce of the republic had refrained from giving orders on Europe for goods, owing to the insecurity of the situation upon the triumph of the revolution of Tuxtepec last year, and peace being re-established, the said commerce had given orders truly enormous, which had resulted in a decrease in the demand for the present year, the receipts of the treasury being for this reason less than those of last year. The second cause was that this season of the year is generally bad for the public treasury; and the third and principal reason was the scandalous contraband being carried on on the northern frontier, which, besides ruining legitimate commerce, deprived the treasury of most important resources. That this was the serious evil which the efforts of one man alone could not remedy if he was not seconded by the efforts of all the functionaries of the federation and of the States. That while it continued he could not be responsible for meeting current expenses and controlling operations depending upon his department. That we should represent the case thus to this supreme court, in order to dispel from its mind any unfavorable impression which it might entertain against him on account of this delay, which he regretted for his own credit as the head of the treasury department, and for the credit of the administration in general.

Such is substantially the result of the commission which we have discharged under instructions from the supreme court, for whose confidence we are grateful.

Mexico, September 4, 1878.

IGNACIO M. ALTAMIRANO.  
JOSE MARIA BAUTISTA.

I certify that it is a copy.  
September 4, 1878.

ENRIQUE LANDA, *Secretary*.

[Inclosure 2 in No. 777.—Translation.]

*Alarming symptoms of the situation.—Rumors and discontent authorized by the policy of the government.*

[From the *Monitor Republicano*, August 30, 1878.]

The latest news relative to the small success of the revolutionary movements, as well in the north as in the east, indicate the state of opinion in nowise disposed to favor outbreaks, which, with the disturbance of the peace, only serve to increase the weighty evils which afflict Mexican society. This good sense of the nation is not a new thing; it has been revealed in a manner sufficiently clear since upon the destruction of the empire the republic has been re-established, as is evidenced in the failure of the different attempts against the public peace which have been set on foot during the past nine years, it being necessary that a chain of extraordinary and truly exceptional causes should arise in order to afford to the country the uninstrusive spectacle of a revolution victorious by means of arms.

We believe, therefore, that it can be said that for the present there is no serious danger of the public tranquillity being altered in any alarming manner; and nevertheless, a phenomenon worthy of being studied, the generality of the country does not sympathize with armed disturbances; the government has no dangerous enemy before it to combat; the tendencies of the nation are well pronounced in favor of peace; and in spite of this we say that, under whatever circumstances there would be flattering hopes for the future, the present situation is far from being satisfactory; on all sides is felt the frozen breath of want of confidence, which paralyzes life in the social body, and which brings with it the want of work, insecurity, and misery—something fearful which seems to be breathed from the atmosphere which surrounds us, and which holds over the mind that kind of mute alarm which precedes great events.

The nation experiences that uncertain peace which appears to be all that we can hope for, at least for some time. The government operates with a certain degree of regularity, and, nevertheless, we repeat, it seems that we are in the midst of a crisis which armed revolutions alone can produce. The poverty of the treasury, one of the most fearful consequences of revolutionary times, produces a panic in an administration which, according to all appearances, should continue in tranquillity the great work of reconstruction upon the bases of morality and well-understood economic principles. And this panic causes its evil influence to be felt in a society in which the official element predominates over all others.

We have said that this phenomenon is worthy of being studied; and in fact a situation which seems to carry within itself the germ of death, which consumes it, merits

attentive observation; a situation in which the men intrusted with meeting it flinch and vacillate as if they had lost faith in their own powers; as if their intelligence became clouded before problems which they cannot decipher, and far from causing a voice to be heard which may re-establish, so far as possible, the lost tranquillity, the pilot of the ship shrouds himself in dark silence, giving credence with his mysterious conduct to rumors and comments, little calculated to tranquillize, which run from mouth to mouth, creating in overexcited imaginations vain hallucinations, if you like, but which shadow forth more and more the picture of the situation already sufficiently dark.

We confess that we have not found in our history anything which resembles what is at present taking place. Governments, as a general rule, have had two periods widely diverse in their administration: the first full of hopes and expectations for the country which has believed one moment in the inauguration of an era of tranquillity and progress; and the second for the political parties which either prepare for a struggle later on, or indulge the illusion of having a part more or less active in the triumphant party.

But the time for being undeceived begins to draw near. The presumption of the men in power, blinded by the flattery of those near at hand, who surround them, does not permit them to clearly see the legitimate tendencies of the nation, and in place of satisfying them, they abandon themselves with blind confidence to the caprices of their own inspirations. On the other hand, it is impossible for them to meet all the demands of those who, with or without claims, wish to grow fat in the shade of power; then discontent little by little takes large proportions; the unsatisfied ambition of some easily develops this discontent, and in this manner there is organized what is called among us a revolutionary movement which ends by overturning the administration attacked, creating another in its place, which retraverses the same circle, presenting in its turn the same phases.

The present government has been nevertheless an exception; it may be said that it had no honeymoon, and that at its birth it already brought with it certain symptoms of decadence which caused its stability to be doubted. The persons who appeared as managers of the situation should, in our conception, have used all their efforts to cause such unfavorable impressions to disappear, initiating a tranquillizing and vigorous policy, for which purpose they had only to cast a glance upon the standard which they raised in the days of the contest.

But what happened? That banner was disdainfully banished to the museum of antiquity; the promises which it had inscribed upon it were officially declared "political absurdities and legal impossibilities," continuing in spite of this, obliged to profess fidelity to it, all those who desire to enter an administration which had been inaugurated under such poor auspices.

The instinct of a people, however rude they may be, is hard to be deceived; and the indifference that very soon could be seen in place of that kind of enthusiasm which any administrative change excites is not to be surprised at. The consciousness that their interests were not considered there; that the change effected at no small sacrifices for the republic was nothing more than a great passion for office; that all the talk about free suffrage, municipal independence, the suppression of interior custom-houses, the organization of the federal district and respect for the constitution was nothing more than celestial music, intended only to deceive honest people; this conviction we say could not do less than engender the disdainful coldness which has invaded all classes of society, which continues to not believe in the efficacy of the revolutionary panacea, but which likewise has no faith in the ability and wisdom of the directors of public affairs.

The causes which we have stated in a brief manner and in compendium explain to our understanding the exceptional character of the situation through which we are passing, and give at the same time the clew to the singular phenomenon presented by an administration which, without having an armed revolution to combat, totters upon its own base as if it were wounded with irremediable impotency, being able to compare it to a lamp which, in the midst of a serene atmosphere, goes out of itself for lack of oil.

---

No. 359.

*Mr. Foster to Mr. Evarts.*

No. 778.]

LEGATION OF THE UNITED STATES,  
Mexico, September 7, 1878. (Received September 24.)

SIR: In my dispatch No. 767, in giving a report of the interviews had with President Diaz and Minister Mata, with a view to the punishment

of the Indians raiding in Texas, I noticed their reference to an expedition made by Mexican troops and Kickapoos against the Lipans, and also to Indian raids from the United States into Chihuahua.

The fact of my interview and its object have become known through Mexican sources, and it appears the government is impressed with the necessity of justifying its conduct before its own people. In evidence of this, I inclose an article which appeared in the Monitor of the 5th instant, which I have no doubt was substantially, if not entirely, prepared in the office of Foreign Affairs, and may be accepted as the defense of the government on frontier affairs, so far as it discusses the question.

The article and the copies of documents stated to be furnished from the Foreign Office demand a few comments. The body of the article states that the Indians who commit the murderous raids on Texas are Lipans, and it indignantly denies that they are harbored or encouraged by the Mexican authorities. Mr. Mata made the same declaration in our recent interview. But General Ord and the military and civil authorities in Texas assert that they have undoubted evidence that the Kickapoos also participate in the raids into Texas. Both this article and Mr. Mata virtually acknowledge that the Kickapoos are harbored and confederate with the Mexican authorities.

One object of the article is to show that the Mexican Government is making exertions to punish the Indians raiding in Texas, and the report of a recent expedition is published to prove this. An examination of these official documents makes plain what has already been published in the newspapers, and is well known here, that the expedition was undertaken to punish the Lipans for recent raids and depredations upon Mexican citizens on Mexican soil, and not for raids into Texas. And for this expedition the Mexican authorities enlisted the Kickapoos, who are a part of the Indians charged by our officials with raiding into Texas.

There is a marked discrepancy between the statements as to the result of the expedition made by this article and the account given me by Mr. Mata. In our first interview he said the authorities in Coahuila had reported the capture of about one hundred Lipans; but the next day he corrected his statement, after reference to the official documents, as he said, by fixing the number of captives at seventy, who were then on their way to San Luis Potosi and the interior. The official report of the expedition, for the first time made public in the Monitor article inclosed, fixes the number of prisoners taken at four men and eleven women and children, an infant twenty-five days old being enumerated. And the newspapers of this capital have reported that all of these, on their way to San Luis Potosi, have escaped but one old woman too feeble to run away. The discrepancy shows that either the authorities in Coahuila have grossly deceived the government here, or there has been another expedition, and to this latter neither Mr. Mata nor the article has referred, and it is fair to presume it has not occurred.

A considerable portion of the documents published by the Monitor relate to alleged cattle-stealing from Mexico by bands organized in Texas, to which I have already referred in my No. 774, of the 4th instant.

Both the article and Mr. Mata in our interviews have made allusion to a recent Indian raid in Chihuahua, alleged to have been made by Indians from the American reservations in New Mexico; and the article also refers to the Apache raids in Sonora, and publishes the official documents (No. 5) to establish these charges. I looked with interest to the documents, hoping to find some details of the devastation said to have been committed in Chihuahua by Indians from the American reserva-



tions, in order that it might be made the basis of an investigation by the War Department or Indian Bureau of our government. Although the Chihuahua raid is said to have occurred three months ago, none of the documents published make any reference to that event. If they have been received by the government, it is strange that they were not included in the publication made ostensibly to sustain the charge. An examination of the documents attached to the article shows that they refer only to the depredations of the Apaches in Sonora. They make charges against the American authorities in Arizona of the gravest character, which would well deserve the prompt and summary punishment of the parties guilty of such disgraceful conduct, if the allegations made in these documents were true; but happily the facts are at hand, furnished by an accredited Mexican official, to prove that they are not only totally unfounded, but that, on the other hand, the conduct of the American authorities in Arizona with respect to the barbarous Indians is in marked and favorable contrast to that of the Mexican authorities in Coahuila. The statements made in the said documents published by the Mexican Government regarding the bad conduct of the American authorities in Arizona were sent by the governor of Sonora to the Mexican consul at Tucson for investigation and report thereon. His communication to the governor of Sonora, in answer to the charges, was published in the official paper of that State on the 26th of July last, a translation of which I now inclose. You will see that the consul's report to his own government is a complete refutation of the charges made and a thorough vindication of the American authorities in Arizona. He states that raids do not occur from Arizona into Sonora; that the Indians committing depredations in the latter State are those who fled from the United States many months ago and are permanent refugees in the mountains, a long distance into the interior of Sonora; that some of them never have been on American reservations; that those who escaped from the reservations are criminals from justice; that a sure punishment awaits them if they return to the United States; that General Wilcox desires much to recapture them, but is prevented by the order issued by the Mexican federal government prohibiting the crossing of the boundary by American troops; and that the American authorities do not instigate or encourage the Indians on the reservations to commit raids into Mexico, but, on the contrary, that their strict surveillance and treatment is the very best means of preventing raids.

No better or more complete vindication of the American authorities in Arizona could have been made, and it ought to silence all charges from that quarter. Our consul at Guaymas writes that the governor of Sonora, General Mariscal, is in favor of a reciprocal crossing of the boundary in pursuit of Indians, as the practice in this regard in years past has proven its efficiency, but that he is prohibited from agreeing to it by the strict instructions of the federal government at this capital.

I am inclined to believe that if the depredations spoken of in Chihuahua have occurred, the authors of them are these thirty-three refugee Indians in Sonora whom the Mexican Government will not allow General Wilcox to capture, and thus far it has itself not had the ability to do it.

I am, &c.,

JOHN W. FOSTER.

---

[Inclosure 1 in No. 778.—Translation.]

*Differences between Mexico and the United States.*

[From the Monitor Republicano, September 5, 1878.]

The depredations and the acts of cruelty of the barbarous Indians on the frontiers of Mexico and the United States have awakened a just sentiment of indignation among

the inhabitants of the neighboring republic, which wily speculators are fostering in favor of their ambitious projects. For the realization of these schemes they do not hesitate to provoke two friendly nations to war, disfiguring the facts, exaggerating the evils, converting the patriotic susceptibilities of the Mexicans into hatred toward the Americans, and denying, in short, even the efforts of the Mexican authorities to suppress the depredations. They have gone so far as to invade the sphere of the press, in order to lead public opinion astray, some advising, as the only remedy for the lamentable situation of the frontier inhabitants, the violation of international law, the invasion of our territory, and pecuniary indemnification; others advising war and conquest. For lack of reasons they base their advice upon injuries. We, understanding the noble mission of the journalist, do not return injury for injury; we do not permit ourselves to be led away by passion, and, with a clear mind and with abundance of data, we will set forth the truth of the facts.

In order to give to our statements a trustworthy character, we have asked for certain documents to sustain them from the Departments of Foreign Affairs and War; these have been furnished us, and we publish them at the close of this article.

A lamentable event, which occurred in last April, has favored the views of those who are interested in provoking, at any cost, a conflict between the United States of America and the Republic of Mexico.

A band of Lipan Indians, equally prejudicial to both countries, coming out of the mountains of Coahuila, where these enemies of civilization have their abode, made a raid into the State of Texas, and, as always happens, murdered eighteen persons, stole such animals as they could, and returned to their place of refuge.

It is impossible to be informed of the acts of barbarity committed by the savages without experiencing a feeling of horror, and without having a desire that their authors should be exemplarily punished. But this feeling and this legitimate desire are encouraged by those who believe that a conflict between the two countries will be a favorable occasion for accumulating fortunes at the cost of blood, and of the desolation and ruin of thousands of victims who would be sacrificed to an ambition as insatiable as criminal. They are encouraged, we say, in order to convert them into germs of hatred and animosity against the people and the Government of Mexico, whom it is desired to make responsible for acts which, however lamentable they may be, are neither due to their will, nor are they exclusively confined to one side of the boundary line.

It is known, from the nature of the circumstances, that upon both sides of the boundary line there is a portion of the population who, actuated by their bad character, employ themselves in committing depredations upon the property of the peaceful and honest inhabitants of the frontier; it is known that upon both sides of the boundary line are tribes of savage Indians who from time to time descend like ferocious animals upon the defenseless inhabitants, killing persons and robbing the animals and objects which are found in their path.

Would it be just that these evils, which the frontier of Mexico has to suffer as well as that of the United States, occasioned by a handful of criminals and Indians, relatively insignificant compared with the population of each country, should constitute a reason for war between the two countries? When the great majority of the populations of both countries is interested in preserving peace, in order to cultivate under its benign influence the relations which give development and prosperity to commercial transactions and to agricultural and mining enterprises, would it be just, would it be proper, would it be humanitarian, to sacrifice the great interests of peace, of commerce, and of industry to the unbridled ambition of certain circles, which, instigated by a spirit of bastard speculation, wish to provoke a disastrous war between two nations which, united already by the tie of identical institutions, should also be united by reciprocity of interests?

Those who desire war at all hazards appeal, in order to excite the opinions of the people of Texas, to popular reports, some exaggerated and others false, having for their principal object to cause it to be believed that the marauders and Indians are not only tolerated but even protected by the Mexican authorities. A dispatch appears in the *Times* of New York, addressed from San Antonio, Tex., on the 21st of June last, in which it is said that General Ord had received a letter from a gentleman residing in Santa Rosa, State of Coahuila, in which it is asserted that the incursion made by the Indians in April last into the State of Texas was publicly organized in the streets of the town of Santa Rosa; that the Indians publicly returned to the same place and there made the distribution of their booty; that the Kickapoos, being offended at the part of the booty awarded to them, fell upon the Lipans, killed six of them, and made prisoners of the rest, making a new division of the spoils, in which the authorities of the place took part. (Document No. 1.)

It can hardly be conceived how so gross a calumny has been invented. Whoever says that the Indians publicly organize expeditions does not know them. The Lipans who made the incursion into Texas do not live in Santa Rosa, but in the Carmen Mountains. When the incursion made by them was known to the Mexican authority, it ordered an attack to be made upon a band whose resorts were known.

The chief of the expedition took with him, as auxiliaries, the Kickapoo Indians, mortal enemies of the Lipans; upon being attacked in their lurking place, six of the latter were killed in the combat, and the remainder, numbering fifteen, of both sexes, were made prisoners and taken to Santa Rosa, whence the expedition set out; they remained there a number of days until orders were received to intern them. (Document No. 2.)

In regard to the booty taken from the Lipans, document No. 3 shows what disposition the Government of Mexico has made of it.

Very well, then; it is only necessary to read both documents in order to understand to what an extent the author of the first dispatch, blinded by his passion for vilifying Mexico and of exciting the opinion of the people of the United States against Mexico, resorts to the invention of calumnies which, on being presented as true facts, he hopes will accomplish the desired end; that is, that a collision between the two countries may be occasioned.

Many times it has been said that the evils suffered on the frontier as the result of the incursions of the marauders and Indians are common to both countries; but as great publicity is given to acts of this nature which occur in American territory, they are exaggerated and commented on in a thousand ways in order to give them notoriety and attract public attention to them; while those which occur in Mexican territory are hardly noticed, because the victims of the outrages suffer them with stoic resignation. This has given rise to the idea, very common in the United States, that while the marauders and Indians living on the Mexican side cross the boundary to commit depredations on the American side, depredations never occur on this side of the said boundary committed by marauders or Indians from the American side. So general has been this belief, that Mr. Fish himself, Secretary of State, said emphatically, in answering a note from the Government of Mexico in which it was stated that the evil of the incursions was common to both countries, that Mexico suffered no incursions proceeding from Texas, and challenged Mexico to present proof to the contrary. Mr. Foster, the representative of the United States in Mexico, has repeated the same thing at different times, basing his action, without doubt, on the circumstance that the Government of Mexico had neglected to furnish the proofs demanded.

In order to demonstrate that Mr. Fish as well as Mr. Foster have been in error, and that the assertion that the evils are common to both countries is exact, we annex certain proofs from the many which can be presented to the effect that the same evil complained of by Texas is suffered on the Mexican side. (Document No. 3.)

Even without these proofs, the simple consideration that twenty years ago the plains of Tamaulipas and Coahuila, bordering on the Rio Grande, were covered by innumerable bands of cattle and horses, which constituted the wealth of their inhabitants, and that to-day, in consequence of the depredations committed by the marauders, they are deserts, the owners having to resort, in order to save what remained, to drive their animals to distant points in the interior beyond the reach of the rapacity of the marauders, would be found sufficient to the eyes of an impartial observer. (Document No. 4.)

With regard to Indian incursions, if the raid made by the Lipans into Texas in April last is sad and lamentable, that made into the State of Chihuahua in June last by Indians from the reservations of New Mexico is also sad and lamentable, and those frequently made by the Apaches of Arizona into the State of Sonora are of the same character. (Document No. 5.)

In such a state of affairs, humanity, modern principles of civilization, and the well-understood interests of the two nations advise that, instead of launching into a war, which is nothing more than the expression of what remains with us of the customs of a barbarous age, a means of ending the present calamity should be looked for by both governments, animated by principles of justice and equity; a settlement by means of common and reciprocal action, which may result in the efficient pursuit and punishment of the marauders and the repression of the Indians, placing them in such condition that they cannot commit the acts of extermination and rapine which they now perform.

We can with all assurance affirm that no administration has been so solicitous as the present in giving security to the frontier; and this is so certain, that General Ord himself has acknowledged that on the Lower Rio Grande, bordering on Tamaulipas, the incursions have completely ceased. And when the favorable change which has been effected in the condition of the frontier exists and is acknowledged, should the remedy for the evils yet to be rooted out be looked for in a war? This would be as inhuman as senseless, and for this reason we appeal to the sense of justice of the people and government of the United States, in order that, disregarding the distempered cry of those who for selfish ends are interested in instigating a conflict between the two countries, they may put into action means of pacification which, while correcting the evils which are suffered, may serve to strengthen the bonds of harmony and friendship which should unite the two nations.

[Document No. 1.—Translation.]

## THE OUTRAGES OF THE FRONTIER.—INDIAN INVADERS INSTIGATED BY MEXICAN AUTHORITIES.—HOW THE MARAUDERS ARE PROTECTED ON RETURNING TO MEXICO.

[Special dispatch to the New York Times.]

SAN ANTONIO, TEX., July 21.

General E. O. C. Ord, chief of the Department of Texas, has received a letter from a gentleman who resides in the city of Santa Rosa, Mexico, which fully corroborates the statement made so frequently that the Mexican authorities protect the incursions from Mexico into Texas. The letter states that the recent and disastrous incursion was discussed in the streets of Santa Rosa at the same time that the Indians left their camp close to that city.

The band of marauders was composed of Lipans, Kickapoos, and Mexicans, who stole about five hundred saddle-horses, murdered about thirty men and boys in Texas, besides having committed robberies of importance. On their return to Santa Rosa, they traveled by the public road, talking of their incursion and its results. On arriving at the city the horses and effects stolen were divided; but the Kickapoos, not being satisfied with their share, attacked the Lipans, killing six of them and capturing the rest, and then divided the spoils anew among themselves and the authorities of Santa Rosa, with the exception of a number of horses which were taken on account of a loan imposed by the troops of Diaz, and which the latter took advantage of to mount.

The Lipans captured by the Kickapoos were delivered to the Mexican authorities and put in prison. This was done in order to show that the authorities punished raiders, in case there should be any complaint on the part of the United States, and also in order to prevent the Lipans from making any attempt to recover their part of the booty stolen during the raid. Mr. Juan Golan, one of the principal citizens of Santa Rosa, daily supplies provisions to the families of the savages which were encamped near the city during the absence of the latter.

What is stated in the letter appears to be true, and it is, besides, corroborated by other proofs in possession of General Ord.

Col. W. H. Shafter is in this city, and General Mackenzie is expected to-morrow, in order to consult with General Ord in regard to the disturbances on the frontier.

On Thursday another company of artillery was sent to the frontier.

[Document No. 2.]

## SECTION OF AMERICA.—NATIONAL ARMY, DIVISION OF THE NORTH, GENERAL-IN-CHIEF.—SECTION 2, NO. 705.

I have the honor to inclose to you a copy of the communication in which are given the details relating to the capture of the barbarous Lipans, in order that, on being informed of it, you may be pleased, in view of its contents, to decide upon what you may deem proper.

Liberty in the constitution.

Monterey, June 28, 1878.

G. TREVIÑO.

To the citizen MINISTER OF WAR AND MARINE, Mexico.

## SECTION OF AMERICA.—MEXICAN ARMY, DIVISION OF THE NORTH, GENERAL-IN-CHIEF.

Under date of the 3d instant, the citizen José Maria Golan, chief of the expedition against the Lipans, says to me as follows:

"As I promised you in my dispatch to give a detailed account of the assault which I made upon the town of the Lipans, I comply with my duty in stating to you that with a force of twenty-two men of this town, ten organized by the citizens Ignacio and Indalecio Elizonda, and twenty from the hacienda of San Francisco, organized by the citizen Atilano de la Garza, I commenced the march from the said hacienda about eight o'clock at night on the 1st instant, going in the direction of the hill of Buena Vista, where part of the Lipan tribe was encamped, which, according to your orders, I was to capture, and I arrived in their neighborhood a little before daybreak of the 2d, my march being delayed by the heavy wind and rain which fell on that

night. I then waited for Mesepábito and Mejica, chiefs of the Kickapoos, whom I had ordered with their warriors to attempt to handcuff the Lipans on the first opportunity which should be presented, an operation practicable only for them, as the Lipans did not mistrust them. On being advised by Mejica that they had executed my orders, I surrounded the town in order to prevent the flight of the families and receive the handcuffed Indians; but far from this taking place, I was received on my arrival by the fire of the Lipans, which caused me to change my plan of operations, throwing out guerrillas to cover the passes of the river, and with the rest of my force I charged upon the enemy, whom it was necessary to exterminate, as not even the wounded would surrender; the said movement resulting in the death of six Lipans, one prisoner who was surprised where he hid himself, and eight wounded, with two young boys. It is satisfactory for me to inform you there was no accident on our part, and that the chiefs of the guerrillas and the rest of the force conducted themselves with as much valor as prudence.

"The Kickapoos stated after the attack, in which they showed themselves as active as they were valiant, that it had been impossible for them to comply with my first orders because the Lipans were suspicious.

"With respect to the spoils of the enemy, with the exception of the animals, the number of which is given in the list annexed, nothing else was taken, for which reason the official whom I left in charge of the huts of the town could not prevent the Kickapoos from falling upon them and taking possession of what little they contained, which I considered of so little value that I did not require its delivery, but I determined to inform you of it, as I now do, in order that you may decide as to what is proper.

"It remains for me to inform you that the blood shed and the capture made will be useless if the supreme government does not assist us, ordering the apprehension of the Lipans in the Carmen Mountains of this State, and that of the Mescaleros in San Carlos, Chihuahua, since they are the ones which constantly threaten us whether at peace or at war.

"It will be a great calamity for these towns, ruined by the continuous struggle which they have maintained with the savages from before the independence, if the supreme government does not duly attend to the amelioration of their condition. The recent robbery and wounds suffered by a man in the jurisdiction of Lampazos and Juarez, acts perpetrated by part of the Lipans which have just been destroyed and those which reside in the Carmen Mountains or in San Carlos, and not by the Kickapoos, as has been erroneously stated by the citizen alcalde of Juarez, as is seen in the No. 31 of the official paper of the State, will be considered, as I consider it, as the commencement of a new war of extermination with these hordes of savages, and in which the towns will suffer most. It is just, then, that we should not be abandoned to our own efforts."

And I have the honor to transcribe it to you for the information of the general-in-chief of the division of the north, as the result of the operation against the Lipans which he was pleased to intrust to the presidency under my charge, and I pray you to be pleased to state to him that I think it unnecessary to expatiate upon the very just and sensible observations made by the citizen J. M. Garza Golan in his foregoing dispatch, to which I will simply add, by way of information, that the establishment of a permanent force in this municipality, as was always had by the Spanish Government in the old post of the Bavia, which point of great military importance was not lost sight of nor neglected by that government, would relieve the districts of Monclova and Rio Grande in the state of Nueva Leon from the incursions of the barbarians, because it is the key to their entrances and departures.

Liberty in the constitution.

Musquiz, June 10, 1878.

INDALECIO ELIZONDO. (A rubric.)

To the CHIEF OF THE LINE OF THE NORTH.

MONTEREY, June 28, 1878.

It is a copy.

G. TREVIÑO.

REPUBLIC OF MEXICO, DEPARTMENT OF FOREIGN AFFAIRS.—SECTION OF AMERICA.—  
DEPARTMENT OF WAR AND MARINE.—D. E. M. (†) 762. M. (†) 2D.

The President of the republic being informed of your communication dated June 28 last, with which you accompany a copy of the communication giving the details relative to the capture of the Lipan Indians, and in which it is suggested that the apprehension be ordered of those in the Carmen Mountains of your State, and also that of the Mescaleros in San Carlos of Chihuahua, they being the ones which constantly threaten that State, and in which the establishment of a permanent force in the municipality of Musquiz is asked for in order to free the districts of Monclova, Rio Grande.

and the State of Nueva Leon from the incursions of the barbarians, has been pleased to decide that you be informed in reply that when the active operations cease against the disturbers of the public order you shall provide a force of your command for the objects referred to in the said communication, employing in preference the rural forces under the command of Colonel Cisneros.

I inform you of it in reply to your said communication.

Liberty in the constitution.

Mexico, August 15, 1878.

GONZALES.

To the GENERAL-IN-CHIEF OF THE  
DIVISION OF THE NORTH, *Monterey*.

I inclose it to you for your information.

GONZALES.

To the chief of the military colonies of Chihpahuá, Ojinaga.

SECTION OF AMERICA.—A SEAL WHICH SAYS "NATIONAL ARMY."—DIVISION OF THE  
NORTH.—GENERAL-IN-CHIEF.—SECTION 2.—No. 746.

I have the honor to bring to your superior knowledge that on yesterday the Lipan Indians mentioned in the inclosed list, conducted by an escort of the residents of Santa Rosa, under the command of the citizen Abraham de la Garza, arrived in this city. I also have the honor to inclose to you two certified copies of the expenses incurred on this account, to the end that, if you think proper, you may be pleased to approve of them. The said Lipan Indians are at present in the barracks of a corps of infantry, and I hope you will inform me in reply where and how I shall dispose of them.

Liberty and constitution.

Monterey, July 4, 1878.

G. TREVIÑO.

To the Secretary of State and of the Department of War and Marine, Mexico.

(On the margin): Extract. Incloses list and certified copies of the expenses incurred in conducting the Lipan Indians.

Approved July 15, 1878. Receipt and its accompaniments.

(A rubric.)

Approved July 16, 1878.

In compliance with the approval, let it be passed to the D. of E. M. in order that it may give an opinion respecting the latter part.

(A rubric.)

JULY 24, 1878.—In view of the approval of the 19th instant, the disposition of the general of the division of the north is approved, to the end that the Lipan Indians may be conducted to San Luis Potosí, and it was decided that from there they shall come to this capital, for which reason let this matter be put on record.

(A rubric.)

*Nominal list of the barbarous Lipan Indians conducted to this capital by the residents of the town of Muzquis.*

Sandave, 29 years old, married to Coshychá; Jesus Martin, 28 years old, married to Mela Alancha; Viejo Blanco, 35 years old, married to Poiné Teyéz, and he has a daughter 25 days old; Valentine Trazas, 26 years old, unmarried, cousin to Chepita; Martin Rodriguez, 14 years old, nephew of Dahl Caco; Tasco Datzel, 13 years old, son of Leasé Coshycha, 26 years old, squaw of Sandavé; Mela Alancha, 16 years old, squaw of Jesus Martin; Sesé, 50 years old, nurse of Tasco Datzel; Chepita, 48 years old, cousin of Valentine Trazas; Dahl Caco, 70 years old, grandmother of Martin; Mariquita, 68 years old, grandmother of Jesus Martin; Joine Tezez, 43 years old, squaw of Viejo Blanco, and mother of a baby 25 days old, named Et. Etc; Che The, 82 years old, Indian.

MONTEREY, July 1, 1878.

[NOTE.—Here follow two documents giving a detailed statement of \$444 expended in bringing the Indians to Monterey.]

[Document No. 3.]

MEXICAN REPUBLIC, DEPARTMENT OF WAR AND MARINE.—SECTION 1.

To-day I state the following by telegraph to the citizen General Gerónimo Treviño:  
"The President of the Republic directs that the horses and other objects which were

taken from the Lipan Indians and belonging to Mexicans or Americans be recovered from those having possession of them at present, although they may be soldiers, and that they be delivered to their owners, if Mexicans, or to General Ord, or other American authority, if Americans, to the end that through the medium of the latter they may reach their original owners."

Which I have the honor to transcribe to you for your information.

Liberty in the constitution.

Mexico, August 30, 1878.

GONZALES.

To the SECRETARY OF FOREIGN AFFAIRS, *Present*.

[NOTE.—Document No. 4 contains substantially what was remitted in inclosure 1 to my dispatch No. 774, of the 4th instant, and relates to cattle-stealing on the Rio Grande. For its contents reference is made to said inclosure.]

[Document No. 5.]

#### FEDERAL GUARD OF THE STATE OF SONORA.

GENERAL-IN-CHIEF: The Apaches have taken possession of the districts of Sahuaripa and Oposura, and daily commit their customary depredations, for which reason the prompt organization of two colonial companies is indispensable, in order to place one in each district.

It is painful, Mr. Minister, to witness with calmness what is taking place in the said districts, and recognizing the fact that certain difficulties will be presented in the prompt organization of the companies of which I have spoken, I would desire that the supreme government should authorize me to situate two companies of the forces under my command in the principal towns of the invaded districts, and with these, while the colonial troops are being organized, and notwithstanding the difficulties presented in following the Indians with infantry troops of the army, I will endeavor to follow up the barbarians in their haunts, and even attack them, endeavoring to drive them out of the State.

I think it opportune to inclose to you the No. 19 of the *Era Nueva*, calling your attention to the exhaustive article treating the question of the Apaches.

I have already officially addressed the Department of War, proposing the organization of the two colonial companies of which I have spoken, and asking as to the powers of the federal chief of arms in the military colonies, in order that this command may thus, in compliance with its duty, dispose of the said forces in such manner as the supreme government may indicate.

I fear I am making myself officious in informing your department of what has occurred in regard to Indian invasions with the circumstances having relation to international questions pertaining to your jurisdiction; but as you had recommended me to do so, I comply with such duty.

I assure you, Mr. Minister, of the consideration of my particular esteem.

Liberty in the constitution.

GUAYMAS, April 3, 1878.

B. DAVALOS.

To the Citizen MINISTER OF FOREIGN AFFAIRS, *Mexico*.

[*La Era Nueva*.]

HERMOSILLO, March 30, 1878.

There is not a single number of the *Boletin Oficial* which does not chronicle the robberies and murders perpetrated by the Apaches. The theater of their bloody exploits is the unhappy district of Sahuaripa. Some months ago they established themselves there to outrage humanity and civilization.

The savage of to-day is not the same that fought several years ago. In other times he preferred to resort to the war of ambushade. In our days, he does not disdain the struggle open faced; he looks for strategic points, fortifies himself well, resists with energy, and when he judges proper even takes the initiative. All these circumstances clothe the present struggle with the character of fear.

Indirectly those savages receive their military instruction upon the American reservations. There they are instructed in the use and management of arms; they are clothed, and fed, and provided with picked outfits. Owing to a spirit of speculation sufficiently criminal, the officers of those reservations permit the Apaches to go out for

a certain length of time to have a run. They obtain the necessary license, and under pretext of obtaining cattle and seeds, which they sell at cheap prices to the Americans, they remember their old instincts of barbarity, and invade our State, robbing, plundering, and murdering, and afterwards returning to the reservations.

Now that it is proposed to establish the basis of an international treaty between our republic and that of the United States, its clauses should provide for this grave evil, whose doleful consequences are felt to-day more than ever.

MEXICAN REPUBLIC.—GOVERNMENT OF THE STATE OF SONORA.

I have received your communication of May 7 last, in which you are pleased to inform me that the general-in-chief of the federal guard in this State has informed your department of the strong invasion which the Apache Indians, proceeding from the American Territory of Arizona, are making in our districts of Sahuaripa and Moctezuma, he having inclosed also a copy of No. 19 of the newspaper *La Era Nueva*, which is published in Hermosillo, of March 31 last, in which it is said that those savages receive, although indirectly, their military instruction upon the American reservations, where they are taught the use and management of arms, supplied with select outfits, and permitted, for criminal speculation, to periodically abandon those reservations and practice upon our people their sanguinary depredations, returning afterward to the United States with their criminal booty, which is bought of them at a low price, and concerning which acts you ask of me a true report, in order to demand the remedy of these evils of the government of Washington.

In my communication of May 30 last I have already had the honor to state to your department, among other things, that the Apaches, with full liberty, and perhaps instigated by the tolerance of that government, arm themselves well in the neighboring Territory of Arizona, and come to this State to practice all kinds of devastation, and when our authorities attempt to follow them up, they take refuge in the said Territory, where, owing to the interests of immoral speculators, they enjoy the most scandalous impunity in the use and public sale of the objects stolen within this State, without the inhabitants of Sonora having other recourse than to mourn the death of their fellow-citizens and regret the loss of their many ruined interests.

Such disreputable conduct observed toward the Indians in that part of the United States could not be more pernicious and injurious to the interests of Mexico, and although it is widely notorious on this frontier, the government under my charge, desiring to render to your department irrefutable proofs of it, transmits your said note to-day to the consular agent of Mexico in Tucson, in order that he may inform me of all that he considers conducive to the object desired, of the result of which I will opportunely inform you.

I take pleasure on this occasion in being able to repeat to you my protestations of particular consideration and esteem.

Liberty in the constitution.

Ures, June 12, 1877.

V. MARISCAL.

L. QUIJADA, *Secretary*.

To the Secretary of State and of the Department of Foreign Affairs, Mexico.

[Inclosure 2 in No. 778.—Translation.]

*Report of Mexican consul in Tucson.*

[From the Boletín Oficial, Ures, Sonora, July 26, 1878.]

CONSULATE OF MEXICO IN ARIZONA,  
June 22, 1878.

Your attentive note of the 12th instant was received to-day in this consulate, with which is inclosed that addressed to you under date of May 7 last by the Department of Foreign Affairs, relating to the reports issued by the general-in-chief of the federal forces in this State with respect to the invasions of barbarous Indians into the districts of Sahuaripa and Moctezuma, concerning which invasions the said general incloses a copy of *La Era Nueva*, a paper published in Hermosillo, in which it is said that the said invasions are due to a spirit of speculation, instigated or induced by agents of the military reservation in that Territory.

Concerning everything that your government is pleased to ask of me, he transmits that may serve to duly sustain the report which the said department has to make on the subject.



The importance of the matter and the desires which you are pleased to express to me oblige me to reply without losing a mail, transmitting to you such matter as has reached my knowledge from reliable reports relating to the grave matter under consideration.

As on my arrival at this place on the 5th of April last the invasions referred to by the general-in-chief of the federal forces of the State and the newspaper *La Era Nueva* had already taken place, my first occupation was to investigate their origin and the means which might be employed to prevent their repetition. The fact that the general-in-chief of the forces of the Territory does not reside in this city has prevented my having a conference with him concerning this important matter, limiting me to the acquiring of such data as I could from other military agents who have accidentally passed through this town, and from many other private Americans and Mexicans of acknowledged reputation and veracity.

According to all these reports, which I no longer hesitate in calling exact, the barbarous Indians which have invaded the State of Sonora number thirty-three warriors, belonging to the Mountains of Huachuca, and some of them have never yet been subjected or entered, up to the present time, in any of the American reservations. The members of this band who belong or have belonged to said reservations, far from being instigated by agents of the same, have endeavored to intern themselves as far as the Sahuaripa Mountains, from fear that the troops of this Territory may pursue them and apply to them the punishment to which many of them are condemned for crimes committed before their flight. Among these is one Concepcion, a native of the district of Magdalena, whom neither restraint nor good treatment has been able to subdue, but, on the contrary, he surpasses each day in cruelty the savages themselves.

Persons of importance, and whose sentiments in favor of our country cannot be doubted, assure me that General Wilcox, chief of the forces in this Territory, regrets his impossibility to cross the boundary in pursuit of these Indians, and that he will carefully prevent the subdued Indians from being informed of the notification given by the government under your worthy charge, prohibiting the crossing of that boundary under all circumstances.

Concerning the order or discipline observed upon the different reservations established in the Territory, the data which I have collected convinces me that the Indians upon them are not indulged in any manner; but, on the contrary, they are governed with severity, being obliged to answer roll-call twice a day and only being permitted to use a few arms in hunting; an exercise in which they cannot engage except by express permission, which is always conceded to a few, and for very limited periods.

It is true that the government of this country has adopted the system of combating the rebellious Indians with those which it has succeeded in subjecting, and for this purpose it is customary to arm certain portions temporarily; but they are subject in the service to military discipline and always controlled by chiefs close by who do not tolerate the least abuse. The expedition over, their arms are taken from them, and they remain subject like the rest of their tribe to the discipline of the reservation.

Experience has demonstrated that the Indians thus employed by the government conduct themselves toward the rebels which they succeed in capturing with such extreme cruelty, that not only early agreement among themselves is made impossible, but all future reconciliation.

From the foregoing it is inferred that the lamentable evils which, in consequence of the Indian invasions, are suffered by a part of the State of Sonora, under your worthy command, do not originate in the system which is at present observed upon the reservations of this Territory, and in order to prove this it will be sufficient to note that the invading Indians, in order to make their raids, endeavor to get as far as possible from said reservations, and it may also be proved by the very significant fact that the districts bordering on this country enjoy the greater security and tranquillity.

The *personnel* of this consulate has just had the opportunity to pass through several of those districts, and it has been able to note with satisfaction that their inhabitants dedicate themselves with all confidence to the labors of the field; it has seen all the ranches peopled which a few years before were constant resorts of the Indians; the same ranches covered with cattle and grain; and their roads, which before caused actual fright, and where multitudes of crosses are still distinguished indicating the place where so many victims were sacrificed, now traversed in all directions by all kinds of persons unarmed.

The assertions made by *La Era Nueva* have not, according to my conception, other merit than that generally had by local newspaper paragraphs, often originating in rumors or perhaps in the just indignation caused by grave evils which it is desired to avert; if those acts were true, they could not have been concealed any length of time from the government of the State more interested than any other in ending them, as the multitudes of Sonorenses (people of Sonora) residing in this Territory would have hastened to inform against them without waiting for it to be done by *La Era Nueva*, which is published in Hermosillo by a stranger. If it were true that the Indians are instigated to rob in your State, they would not go to the districts of Moctezuma and

Sahuaripa, where there are no cattle of any kind; but it would be sufficient to simply cross the line in order to provide themselves in the bordering districts of Altar and Magdalena with all that they could desire; and lastly, if it were true that these Indians were sent into our State to rob, they would have returned already with or without booty, and would not have stationed themselves in the mountains of Sahuaripa, where, it appears, they have for some months past established their haunts. These are truths with which the intelligent editor of *La Era Nueva* is probably not acquainted, as he seems to be uninformed even of the geographical position of each district, and the special circumstances which occur in them.

The barbarians who lately invaded the districts of Sahuaripa and Moctezuma cannot return to this territory where a sure punishment awaits them, and it would be desirable that the general-in-chief of the federal force in your State, or the person on whom it devolves to do it, should follow up with due energy those few Indians who, fugitives from this territory, have taken refuge in the mountains of Sahuaripa and Moctezuma; that such pursuit should not cease until they are captured or exterminated, and then those districts would enter upon the road of progress and prosperity which is noted in the other districts composing the State.

Perhaps I have made this communication too lengthy, which should simply contain the report which you have been pleased to ask of me, but the desire to establish the truth in the grave matter giving rise to it, has caused me to enter upon considerations which are logically linked with it, and which I have thought proper you should estimate according to the true value they may have.

I improve this opportunity to reiterate to you the protestations of my most respectful consideration and esteem.

M. ESCALANTE.

The citizen GOVERNOR OF THE STATE OF SONORA, *Ures*.

---

No. 360.

*Mr. Evarts to Mr. Foster.*

DEPARTMENT OF STATE,  
*Washington, September 11, 1878.*

No. 505.]

SIR: I have to acquaint you with the circumstances attending the death of one Walter Henry, an American citizen traveling in Mexico, and the detention of his effects by the Mexican authorities, to the end that you may make suitable representations in the case to the government to which you are accredited.

The facts are, briefly, as follows: On the 23d ultimo a telegraphic dispatch was received here from Mr. William Schuchardt, the commercial agent of the United States at Piedras Negras, stating that Henry, while on his way to Saltillo, was murdered west of Zaragoza, on the 20th, and asking if he should demand the surrender of the property of the deceased, which consisted of merchandise. This Mr. Schuchardt was authorized to do by a telegram dated 23d ultimo.

A dispatch, numbered 204, and dated the 22d August last, was subsequently received from Mr. Schuchardt, confirming the report made by telegraph. It appears therefrom that Henry, while on his way to Saltillo with three Mexican carts laden with merchandise, was murdered at a halting-place while asleep under one of the carts, and that the alcalde of Zaragoza had ordered the body and goods to be conveyed to that town. A subsequent dispatch from Mr. Schuchardt, numbered 205, and dated the 26th ultimo, reports the commercial agent's investigation into the affair, and the discovery of evidence and facts tending to implicate the customs officers at Piedras Negras to the extent at least of knowledge of the crime, if not of actual complicity. It seems that, notwithstanding that Henry was ascertained to have paid duties on his merchandise on coming within Mexican jurisdiction, all record of the payment had disappeared in the custom-house at Piedras Negras, under circumstances

strongly implicating one of the officers there, and that the same customs authorities had seized the effects of the murdered man as contraband, and refused to deliver them up on demand of Mr. Schuchardt.

A later telegram from Mr. Schuchardt confirms the details above, stating that the alcalde of Zaragoza, before delivering the property to the custom-house, sold a portion of it for burial and other expenses, and that delivery of the rest was still absolutely refused.

I will thank you to make full presentation of the case to the Mexican Government, basing your statements on those of Mr. Schuchardt now transmitted, and upon such other details as you may possibly have received direct from him, and to ask that a searching investigation be made as to the facts and the apparent complicity of the local officers in the perpetration of the crime, to the end that if the result should bear out the intelligence received here, this aggravated case of murder and seizure of the goods of an unoffending American citizen may not go unpunished.

I am, &c.,

WM. M. EVARTS.

[Inclosure 1 in No. 505.]

*Mr. Schuchardt to Mr. Hunter.*

No. 204.]

UNITED STATES COMMERCIAL AGENCY,  
*Piedras Negras, August 22, 1878.*

SIR: I have this day sent the following telegram to the Hon. Secretary of State:

"Walter Henry, an American citizen, was murdered west of Zaragoza, Mexico, on his way to Saltillo, on the 20th instant. Shall I demand the surrender to me of his property, consisting of merchandise? A speedy reply very respectfully requested."

Yesterday evening I received information by private sources that an American, who was traveling on the road to Saltillo, with three Mexican ox-carts, on which a considerable quantity of merchandise was loaded, belonging to that American, was murdered before daybreak of the 20th instant, while asleep under one of the said carts.

The deed was committed in the jurisdiction of Zaragoza, a town 36 miles from this place. The alcalde of the said town of Zaragoza ordered the body and the three carts with goods to be brought to that town, and had one of the cart-drivers who reported the occurrences to him, arrested on suspicion.

Since, through inquiries in this place, I ascertained the following as regards the person of the murdered man: His name was Walter Henry; was a native of Ireland, and came to Texas long before her annexation to the United States, becoming a citizen of the latter at that time. He resided with his brother for some time in Matamoros, Mexico, dealing in merchandise, whence he left in 1854, with goods for Zacatecas, Mexico, returned from there, made several more trips to the interior of Mexico, and afterwards settled with his brother on a cattle-ranch in Cameron County, Texas. In 1871, he was seen passing through here on his way to Chihuahua, where he lived for several years. On the 10th instant he shipped a considerable lot of merchandise from here to his own consignment, which he had bought partly in New York and partly in San Antonio, Tex. He loaded his goods on three Mexican ox-carts, two of which belonged to Zaragoza and one to this place. Henry had about \$400 in hard money with him when he left this place, which, it is supposed, he carried together with his papers, in a satchel on which his head was resting at the time he was killed, and which was taken by the murderer. Walter Henry left no family; whether his brother, with whom he lived in former years, is alive or not nobody here knows.

I am, &c.,

WM. SCHUCHARDT,  
*United States Commercial Agent.*

[Inclosure 2 in No. 505.]

*Mr. Schuchardt to Mr. Hunter.*

No. 205.]

UNITED STATES COMMERCIAL AGENCY AT  
*Piedras Negras, Mexico, August 23, 1878.*

SIR: I have the honor to acknowledge the receipt of a telegram signed by the Hon. Mr. Seward, dated August 23, 1878, which reads: "May demand Henry's property for safe-keeping."

Since I reported the death of Walter Henry, in my dispatch No. 204, dated August 22, facts have been developed in regard to that sad event which must create in one's mind the suspicion that the custom-house officers at Piedras Negras are implicated in that horrible affair. I have ascertained the fact that Henry made the transaction of the importation of his goods with R. Morel, the principal officer (administrador) of the custom-house of Piedras Negras, to whom he paid the amount of import duties, and who gave Henry the necessary custom-house document for the transit of his goods to the interior. I have also ascertained that Morel has not made entry of the transaction in the books of the custom-house, but appropriated the money for his own and the use of his subaltern accomplices. A few minutes after I had received the sad news of the death of Henry, I repaired to the custom-house; in my judgment the proper place to obtain information as to the time when Henry had passed through this port, by looking in the books for the entry of the importation of his goods, which I knew already had passed through this post on the evening of the 10th of August. The business hours of the custom-house at that time were over, and only Morel, Mr. Montellano, the cashier (contador), and the commandante of the custom-house guards, were present. When I related the case to them with the object to obtain any dates about Henry, some of these officers pretended not to know Henry or anything about him; no entry whatever could be found in the books. Mr. Montellano, who manages the whole business of the office (being the only officer who possesses any knowledge of custom-house business, and who showed himself always very strict) probably is the only one who really does not know about the transaction of Morel. A short time after Morel had left the office I met an American merchant of this place, who is on very confidential terms with Morel and his subalterns, the guards, and who told me, when I expressed my surprise to him that no entry of Henry's goods existed at the custom-house, that he saw Morel, who felt very uneasy about the matter being discovered, and that he did not know how to extricate himself. Morel, in his efforts to conceal his first crime of stealing the revenues of his government, conceived the idea of a second by attempting to steal the goods of the unfortunate dead man, seizing them as smuggled. To accomplish this he sent immediately a confidential guard to Zaragoza, to secure the custom-house document, which was furnished by him to Henry, and which proved his fraudulent transaction. In this he failed, all papers having disappeared, together with Henry's money contained in the satchel which the murderers had taken. This action Morel confided to a merchant of Eagle Pass, who related it to me. Morel being informed that no papers were found, felt greatly relieved, and proceeded at once officially against the property of Henry. He sent four guards and four soldiers to Zaragoza to seize and bring to this place Henry's goods, which meanwhile the alcalde of that place had taken in his custody. The alcalde refuses to deliver the goods to the guards, stating that he had proof that they were not smuggled. One of the custom-house guards offered to one of the cartmen \$500 if he would make a statement to the effect that they (the cartmen) had received the goods of Henry in the chaparral near Piedras Negras in the night and not at Eagle Pass in bright daylight, as is proven by the United States collector and inspector at Eagle Pass, who saw the goods exported on the public ferry-boat during office hours. Since the refusal of the alcalde of Zaragoza to deliver the goods to the custom-house guards some more soldiers have left for that place, which indicates that the custom-house officials are determined to get the goods in their possession at any rate. I have demanded from the alcalde of Zaragoza Henry's property for safe-keeping, but he very courteously declines to comply with my demand, stating that he could not deliver the goods while the case is under investigation. This signifies, according to my experience in this country, that the investigation of Henry's murder will be carried on as long as there is anything of his property left, and as soon as there is everything consumed in costs and expenses the investigation will be at an end, resulting most likely in not finding out the culprits. Every day while the property exists in the custody of the alcalde costs and expenses accumulate considerably. I am informed that the costs of bringing to Zaragoza the body of Henry and its interment amounted to \$70; besides there are four men guarding the goods by day and night. In a case like this, where the effects which respond for the expenses made belong to a foreigner, it is the custom to pay very liberally and higher for any service or thing than at the rates in use in the country under other circumstances. In fact, it seems that everybody considers the property of a foreigner falling in their hands under such circumstances as a public prey, and everybody thinks himself entitled to some part of it, even small it may be. Should the alcalde of Zaragoza hold the goods until the investigation is concluded, the heirs of Henry will receive very little, or nothing; should the custom-house succeed in getting the goods in their possession, then there is no remedy at all, and no hope to recover any part of them. In the latter case an open robbery of the property of an American citizen for the sake to conceal the crime of a rascally Mexican official is committed, which should not be tolerated by our government, who should not only demand and recover Henry's property, but also exact the money paid to Morel from him, the goods then being obliged to be recrossed

to Eagle Pass. The goods of Henry are American property and should be protected with the same efficiency as now the cattle and horses of our frontiersmen are protected and recovered on Mexican soil whenever found by our troops.

All Americans at Eagle Pass feel very indignant, and public opinion goes so far as to accuse Morel as instrumental to the murder of Henry.

I am, &c.,

WM. SCHUCHARDT.

---

[Inclosure 3 in No. 505.—Telegram.]

*Mr. Schuchardt to Mr. Evarts.*

PIEDRAS NEGRAS, August 30, 1878.

HON. SECRETARY OF STATE,  
Washington, D. C.:

Custom-house of Piedras Negras has taken from the alcalde of Zaragoza the goods of Walter Henry as contraband. Henry had paid to principal custom-officer import duty on his goods, and he appropriates the money for his own use, not making entry in books of his office. Custom-house documents issued by that officer to Henry which proved officer's transactions and payment of duty by Henry having been stolen by the murderers, together with Henry's money, the custom-house officer tries to cover his first crime by a second—taking Henry's property by calling it contraband. On my demand of property of Henry was refused by alcalde of Zaragoza. Alcalde of Zaragoza, before delivering the property to custom-house, sold part of it for burying and other expenses. Henry's property can be recovered now by force only.

WM. SCHUCHARDT,  
United States Commercial Agent.

---

No. 361.

*Mr. Evarts to Mr. Foster.*

No. 509.]

DEPARTMENT OF STATE,  
Washington, September 14, 1878.

SIR: Since my instruction to you of the 11th instant was written, a further dispatch has been received from the commercial agent of the United States at Piedras Negras in relation to the murder of Walter Henry near Zaragoza. A perusal of the copy thereof, which is herewith transmitted to you, shows that complete evidence of the wrong-doing of the customs officers at Piedras Negras has been furnished by the admission, through a confidential and trustworthy channel, by the principal customs officer, Morel, that he had in fact received the duties from the murdered man, and by his attempt to compromise the matter on the basis of restoring to the commercial agent a portion of the duties, retaining the remainder, and also the goods as contraband.

The attempt to cover up this gross instance of misappropriation of funds, and perhaps a worse crime, failed on the firm refusal of Mr. Schuchardt to receive less than the whole amount of duties paid, the goods to be at the same time surrendered intact for re-exportation. The statements now made imply also the criminal complicity of the alcalde of Zaragoza in the fraudulent proceedings connected with the seizure of Henry's goods. On his surrender of the merchandise to the customs officers of Piedras Negras several packages were missing, and others bore evident signs of having been opened for the purpose of robbery. It is stated besides that goods to the amount of \$1,000 were sold by the authorities of Zaragoza to defray ostensibly the funeral expenses of the murdered man and the costs incurred during ten days' custody of his effects.

On this statement of facts, there is no doubt that the case is one of the gravest character, combining, as it does, the murder of an inoffen-

sive and law-abiding American citizen, robbery of his goods, and at every stage of the proceeding official speculation and fraud of the most flagrant character. Even if the duty of the Mexican Government to protect life and property within its borders were not paramount, it is at least presumed to have an interest in punishing a gross fraud on its own revenues.

You have been already instructed to demand a most searching investigation of the case, and the discovery and vigorous punishment of the offenders in this complex crime. You are now requested to bring the additional facts to the earnest attention of the Mexican Government, and to say that this case of outrage and murder is regarded as an important factor in the problem of the ability of Mexico to protect life and enforce the laws on its side of the border.

I add for your information that the murder of Henry has been reported by the commanding general of the Department of Texas, with a vigorous suggestion as to the only probable means of reaching and punishing the murderers and their abettors.

I am, &c.,

WM. M. EVARTS.

[Inclosures in No. 509.]

*Mr. Schuchardt to Mr. Hunter.*

No. 206.]

UNITED STATES COMMERCIAL AGENCY,  
*Piedras Negras, Mexico, August 31, 1878.*

SIR: Yesterday (August 30) I sent the following telegram to the Hon. Secretary of State:

"Custom-house of Piedras Negras has taken from the alcalde of Zaragoza the goods of Walter Henry. Henry had paid to principal custom-officer import duties on his goods, but he appropriated the money for his own use, not making entry in books of his office. Custom-house documents issued by that officer to Henry, which proved officer's transaction and payment of duties by Henry, having been stolen by the murderers together with Henry's money, the custom-house officer tries to cover his first crime by a second, taking Henry's property by declaring it contraband. On my demand delivery of Henry's goods was refused by alcalde of Zaragoza. Alcalde of Zaragoza before delivering property to custom-house sold part of it for burying and other expenses. Henry's property can be recovered now by force only."

Last night at twelve o'clock the custom-house officials accompanied by federal soldiers entered here with the goods of the unfortunate Walter Henry, seized as contraband. According to export entry on file at the United States custom-house at Eagle Pass, signed by Henry himself, his goods consisted of 46 packages, corresponding with the number the alcalde of Zaragoza gave me in his communication when he refused the delivery of Henry's goods to me. I am informed by reliable persons that the authorities of Zaragoza sold of Henry's goods to the amount of \$1,000, before giving them up to the custom-house officials, to refund themselves for the burial and other expenses they had made from the 21st of this month to the time they delivered the goods to the custom-house guards. Of the 46 packages of goods only 36 were delivered at the office of this custom-house, and most of them, the carrier of the goods informed me, in a condition which admits no doubt that they have been opened and part of the contents taken out.

In view of the fact that Henry's property within ten days had diminished in such proportions, and in order to save as much as possible of it for the rightful heirs, I repaired this evening to the custom-house and communicated to Mr. Ode Montellano, the second in office, that, in my opinion, Henry's goods were not contraband, as facts had been developed which proved that import duties had been paid to somebody of the office, and as the matter had been carried to such an outrageous state I asked to investigate the matter before condemning the goods as contraband and divide them as such among the employes.

Yesterday a merchant, who is a friend of Morel, the principal officer of the custom-house, and an old acquaintance of mine, stated to me that he felt authorized by Morel to compromise the matter with me; admitting that Morel had received the duties from Henry, he could return so much as \$500 of the money to me, but the goods he had to keep as contraband; that Morel probably had not received as his share over \$100, having divided the greater part of the money received from Henry among his accomplices.

My reply was, that, admitting that the importation of Henry's goods was an unlawful one, not being entered in the books of the office, the only condition under which I felt myself authorized to enter into a compromise with Morel was that he should deliver to me the goods, in quantity and condition as found at the time Henry was murdered, and that he should return the money he had received from Henry for import duties, and that I, on my part, would see the goods exported to the United States, and then consider them as never imported to Mexico. This condition, the friend stated, his client, Morel, could never accept; that in order to shield himself against the accusation of having defrauded his government, he is bound to take the goods as contraband.

The assassins of Walter Henry have not been discovered yet, and as the authorities of Zaragoza do not hold any longer the goods, I do not expect them to make great efforts to find the culprits.

I have the honor to inclose copy of a letter relative to the disposal of Henry's goods, and written to me by \* \* \* a respectable American citizen living at Zaragoza, and long a resident of this district.

I am, &c.,

WM. SCHUCHARDT,  
*United States Commercial Agent.*

[Inclosure to inclosure in No. 509.—Translation.]

to Mr. Schuchardt.

ZARAGOZA, August 26, 1878.

DEAR SIR: I am very sorry that I have to say of all the d—— rascality that I ever have witnessed in my time, I have just passed, in regard to the goods of Walter Henry. They sold here about \$1,000 worth of goods to pay the expenses of his burial and a great many more charges which they make, whether just or not; and while they sold that amount, I think that I am able to prove that as many more was stolen. I only say that you will not find an honest man in the whole God—— thing that passed yesterday, for I was an eye-witness to the whole concern. You know well that it would not do for me to accuse any one, as I would be a victim in less than twenty-four hours. It is all that I can do to get along here. Do the best that I can, I have to fight sometimes to keep myself from being trod upon. You heard, I suppose, that I had to cut one of the d——, rascals so that they might know it would not do to tread upon me. In a few days I will give you the whole circumstances as to the proceeding in regard to the Walter Henry case and all the news that I may be able to find out. Keep my name still until I can find out the whole matter.

I am, &c.,

AUGUST 28, 1878.

To-day the goods that were not sold nor stolen leave for your place; but I assure you if there was any examination or inquiry made you would find as many goods stolen as were sold, or more. The cask (what it contained I do not know) leaves here empty. There was nothing sold of what it contained. Oils were not sold, but they have disappeared from the bulk of goods. I see some of it going around and changing owners, which causes me to think it was ashamed to be sold at public sale, and asked some friend to dispose of it secretly, and a great many things the same way.

I only say, you deliver us from evil.

No. 362.

*Mr. Foster to Mr. Evarts.*

No. 785.]

LEGATION OF THE UNITED STATES,  
*Mexico, September 19, 1878. (Received October 9.)*

SIR: On the 10th instant I sent to the Mexican Foreign Office a copy of your dispatch No. 495, of the 13th ultimo, with a note, in which I stated that my object in the transmission was to enable said department to be correctly informed of the position held by my government on the subject of frontier affairs.

The Minister of Foreign Affairs has sent me a reply to your dispatch,

of which I inclose a translation. In his note the Minister limits himself to three points. The first relates to your assertion that the condition of affairs remains substantially as before the recognition; the second refers to the question of extradition; and the third to the bases proposed by Mexico for the reciprocal crossing of troops in pursuit of Indians.

In acknowledging receipt of the Minister's reply, I have assured him that I would forward the same by the first mail for your consideration, and such reply as you might think proper to make. In view of the doubt expressed by the Minister as to whether I had transmitted to you full reports of his conferences with me in June last, I regarded it as important to add that I faithfully communicated to you all the details thereof, and that you were in possession of all the necessary information when you advised me that "the suggestions of the Mexican Government \* \* \* could not now be entertained."

You will notice that the minister expresses surprise that you should indicate that the proposition made by his government was indefinite as to time, or that it required the subsequent ratification of the Mexican Senate. In your dispatch No. 495 to me, you refer to the proposition or suggestions of the Mexican Government as contained in my No. 740. The proposition is only incidentally referred to in my No. 740, but is formally transmitted in my No. 735, of June 27. The bases of its verbal proposition are contained in the concession of the senate, of which I therewith inclosed you a copy, which conferred or sought to confer upon the executive the authority to enter with that of the United States upon a convention in regard to the pursuit of the Indians. The Minister claims that the action of the senate is absolute, and that a convention will not require the subsequent ratification of that body. It may be noted, however, that distinguished Mexican lawyers entertain an opposite opinion.

The Minister, in his note inclosed herewith, for the first time has made the offer in writing to enter into the convention, upon the precedent condition of the withdrawal of the instructions to General Ord. It will attract your attention that he declined, under instructions of the cabinet, to submit it in writing in our conference in June last, and does not take that step until after he is informed by you that the proposition cannot now be entertained.

I am, sir, &c.,

JOHN W. FOSTER.

---

[Inclosure 1 in No. 785.]

*Mr. Foster to Mr. Mata.*

LEGATION OF THE UNITED STATES,  
*Mexico, September 10, 1878.*

SIR: Having communicated to the Secretary of State at Washington a report of the conference which I had the honor to hold with Your Excellency on the 21st, 24th, and 28th of June last, in regard to affairs on the Rio Grande frontier, and having transmitted to him copies of your note of July 12 last, and my reply thereto, concerning the crossing into Mexico of American troops in the preceding month, I am now in receipt of his acknowledgement thereof.

The Secretary of State has been pleased to approve of my note addressed to Your Excellency on the 15th of July, and has set forth the views of my government at some length relating to frontier affairs. In order that Your Excellency may be correctly informed of the position held by my government on this important question, I inclose herewith a copy of the dispatch which the Secretary of State has addressed to me on the subject.

I improve the opportunity to reassure Your Excellency of my high consideration and esteem.

JOHN W. FOSTER.



[Inclosure 2 in No. 785.—Translation.]

*Mr. Mata to Mr. Foster.*DEPARTMENT OF FOREIGN AFFAIRS,  
*Mexico, September 13, 1878.*

MR. MINISTER: With Your Excellency's note of the 10th instant, I have had the honor to receive a copy of the dispatch addressed to the legation of the United States in Mexico by the Department of State in Washington on the 13th of August last, which document is transmitted to this department, as Your Excellency states, to the end that it may be accurately informed of the attitude which the American Government has assumed upon the affairs of the frontier.

The President has instructed me to reply to Your Excellency, considering only three points in the dispatch of the Hon. W. M. Evarts, since they are sufficient to clearly define the position which the Government of Mexico, on its part, holds in regard to matters on the frontier, and to establish the truth of the facts; considering that the other points contained in the same dispatch, although meriting rectification, have already been the subject of former discussions.

The honorable Secretary of State, after enumerating the causes which induced the Government of the United States to officially recognize that of Mexico, states that "Nevertheless the condition of affairs upon the Rio Grande frontier remains substantially the same. No effective step seems to have been taken on the part of Mexico to check the raids." Against these erroneous assertions is the irrefutable testimony of the presence of Mexican troops upon our frontier in numbers which have never before existed in a permanent manner in that region; the confessions contained in the dispatch of the Department of State, dated March 23d last, in which instructions were transmitted to Your Excellency to recognize the Government of Mexico; the note of the 9th of the following April, in which Your Excellency recognized said government; the declarations of the most eminent officials of the Army of the United States before the investigation committee of the House of Representatives of the same United States; the manifestations contained in the letter of General Ord, which Your Excellency did me the honor to show to me a few days since, and lastly these identical words written by Your Excellency in your note of July 15th last: "I have very freely and repeatedly recognized the efforts of the present administration of Mexico toward the suppression of the cattle-stealing on the lower Rio Grande, and my government was gratified to refer to these efforts as a reason for the recognition of that administration; and if the same measures had been taken on the upper Rio Grande to repress the more murderous and destructive Indian incursions, there would have been no occasion for the recent crossing of American troops."

The words of the honorable Secretary of State are not in harmony with the declarations formerly made by him, nor with the testimony of the distinguished officers of the Army of the United States to which I have referred, nor with the declarations of his legation in Mexico, since, while the first asserts that no efficient measure has been taken on the part of Mexico, the last not only recognizes the fact of such measures having been issued, but characterizes them as so efficacious that if applied to the upper Rio Grande the passage of American troops to Mexico in June last would not have been necessary.

I pray Your Excellency to fix your attention on the fact that the foregoing proofs emanate from the testimony of functionaries occupying the most exalted positions under the said Government of the United States, which prefers against that of Mexico such grave and repeated charges.

With reference to the views of the honorable Secretary of State concerning the extradition of criminals, and the amendment of the respective treaty, I should reply that the executive, through its representative in Washington, proposed modifications in July of last year, to the Government of the United States, which, in its conception, would make such extradition more efficacious, which modifications up to the present time have not been accepted, and that the Government of Mexico has gone so far in the matter of extradition as to concede, in a special case, that of several of its own citizens, an act which is not made obligatory by the treaties and which has had no analogous precedent on the part of the United States. The cases of extradition demanded by the United States have only met with difficulty, as was natural, when the extradition of Mexican citizens has been asked, which is not obligatory in conformity with the existing treaty; while, on the other hand, certain cases can be cited in which, upon the demand being made by Mexico for the extradition of various criminals, the American authorities not only have not granted it but have not even replied to the respective demands.

With relation to the bases proposed to the Government of the United States in June last by this department, and through Your Excellency, for the reciprocal crossing of troops, the Hon. Mr. Evarts states that they "cannot now be entertained." In substance, they seem to be that the orders to General Ord should be revoked, and the border left to the mercy of the marauders, in the hope that at some future day, or at some

future session of the Mexican Congress, laws may be enacted or treaties ratified which might offer a solution of the difficulties."

On reading these words and comparing them with the antecedents which took place in the interviews which Your Excellency had with the undersigned Secretary in June last, I have experienced a painful surprise which has led me to doubt whether Your Excellency forgot to bring to the knowledge of your government certain of those antecedents, or whether, on being faithfully transmitted by Your Excellency, the Department of State overlooked some of them on taking them into consideration.

I cannot understand, in fact, how the honorable Secretary of State refers to future acts (and for this reason uncertain) of the Mexican Congress, when Your Excellency has the certainty, and your government should also have it, that the senate has already considered the international arrangement for the reciprocal crossing of troops; when that body has already declared the bases upon which it conceded to the executive the authority to carry it into effect, avoiding thus the necessity for approbation afterwards; when through this department it has given a copy of those bases to Your Excellency; and, lastly, when the only condition imposed on the part of Mexico for carrying that arrangement into effect is the previous revocation of the instructions issued to General Ord by his government to the end that American troops may discretionally cross the frontier to invade Mexican territory.

The very testimony of Your Excellency may strengthen that to which I have referred as proof of the disposition of the Government of Mexico to adjust without delay an arrangement for the reciprocal crossing of troops. Your Excellency will remember that in the conference which you had with the President on the 23d of August last, on his stating that upon the withdrawal of the instructions to General Ord the final arrangement would be the work of a few days, this period was modified by me, fixing it at twenty-four hours.

The said revocation is fully compatible with the interests of the two governments, since on conceding the passage of troops the existence of the instructions to General Ord is unnecessary. It in no way affects the rights of the Government of the United States, and it is at the same time a testimony of respect for the justice and the perfect and sacred rights which attend Mexico.

If after my government declares, as it has already declared in the conferences had with Your Excellency, and as it to-day repeats, that it is disposed to conclude an arrangement for the reciprocal crossing of troops upon the bases conceded by the senate, and previous to the withdrawal of the instructions issued to General Ord, the same hostile policy, accompanied by friendly professions, is persisted in by the United States, it will prove even more fully that it is not the Mexican Government which delays the pacific solution of the difficulties of the frontier, nor that of the United States which shows a disposition to secure it.

Your Excellency will please to accept my very distinguished consideration.

J. M. MATA.

His Excellency JOHN W. FOSTER,  
*Envoy Extraordinary and Minister Plenipotentiary  
of the United States of America.*

[Inclosure 3 in No. 785.]

*Mr. Foster to Mr. Mata.*

LEGATION OF THE UNITED STATES,  
*Mexico, September 16, 1878.*

SIR: I had the honor on yesterday to receive Your Excellency's note of the 13th instant, in which you acknowledge the receipt of the copy of the dispatch of the Secretary of State of the United States to this legation of the 13th ultimo, and in which note Your Excellency replies to some of the points of said dispatch in regard to the frontier.

I will not fail to forward by the first mail a copy of said note to the Department of State at Washington for the consideration of the Secretary of State.

In view of the reference which Your Excellency has made to me in your note, I deem it necessary to state that without any delay I forwarded to the Department of State a full and faithful report of the conferences of June last, to which Your Excellency refers, and inclosed therewith a copy of the bases of the concession granted by the Mexican senate to the executive. Hence the Secretary of State was in full possession of all the necessary information when he informed me that "the suggestions of the Mexican Government . . . cannot now be entertained"; and the plain inference is that, using the language of said dispatch, they do not "offer a solution of the difficulties." It will be remembered that, in my note of July 15 last, from which Your

Excellency quotes, I stated that "it would be difficult, if not impracticable, for my government to entertain" the suggestions.

I have, likewise, transmitted to the Department of State the assurance made by His Excellency President Diaz, in the interview of the 23d ultimo. As Your Excellency now, for the first time, has reduced the very limited and conditional proposition to writing, I will forward it to my government with the explanations which accompany it, for such reply as the Secretary of State may think proper to make.

Meanwhile I remain, with high consideration, Your Excellency's obedient servant.

JOHN W. FOSTER.

HIS EXCELLENCY J. M. MATA, &c.

---

No. 363.

*Mr. Eratts to Mr. Foster.*

No. 514.]

DEPARTMENT OF STATE.

*Washington, September 20, 1878.*

SIR: Information of a most reliable character has reached this Department of the continued depredations of the Mexican citizens of Ximenes and the neighborhood, under the head of one Areola, upon the Texan border. It is reported on the best authority that the officer in command of the Mexican troops at Piedras Negras is not merely cognizant of the repeated thefts of American cattle, but that he positively protects the raiders, furnishing them with arms on occasion, and is moreover a receiver to a large extent of the stolen property, feeding his troops, even, upon the beef.

Upon such a statement of facts (which for sufficient reasons is not made more definite) there can exist no reasonable doubt that the central authority of Mexico should find it feasible even in the absence of supplementary information to pursue and rigorously punish these particular offenders.

You are requested to bring this matter to the immediate attention of the Mexican Government, making evident the earnestness with which the Government of the United States presses these facts upon its serious attention, to the end that more deplorable events may not follow.

It will, of course, be natural that in due course of time certain of those citizens of the United States who have been despoiled of their property by the citizens of Mexico will seek reclamation, and if some satisfactory recognition of the obligation of the Mexican Government to amply provide for such contingencies should be obtained, it might perhaps afford a greater facility to the future adjustment of these cases. But you will take care to have it understood that a mere provision for pecuniary redress in this connection will by no means be regarded as in anywise a satisfaction for other than the actual losses which have been sustained. The continued harassing and apparently ceaseless turmoil which is kept up on our otherwise peaceful borders by these marauding parties of Mexicans, which, crossing secretly and in the darkness of the night from their own territory, emerge upon the farms and fields of American citizens, carrying perpetual alarm and dread, and rendering life in that region of our country well nigh insupportable, is not to be weighed in any common pecuniary scale. The reclamation sufficient to meet the results of a series of raids, worse in their effects than an absolute invasion in a time of war, can be no ordinary one!

You will present the views of the Government of the United States on the subject of these repeated outrages upon our citizens in this light, in

order that the sense entertained of the magnitude of the offenses committed may not be underrated nor misunderstood.

I am, &c.,

WM. M. EVARTS.

---

No. 364.

*Mr. Foster to Mr. Evarts.*

No. 786.]

LEGATION OF THE UNITED STATES,  
*Mexico, September 20, 1878. (Received October 9.)*

SIR: In February, 1877, I applied to the Mexican Government for the matriculation as an American citizen of Mr. Gustavus Sommer, resident in this city, and based the application upon the passport No. 31194, issued to him by the Department of State, and signed by Secretary Fish. In a call which I made at the Foreign Office some time thereafter on other business, Mr. Vallarta, the Minister of Foreign Affairs, referred to said application, and said that there was a person of the same name registered in his department as a German subject, resident in Monterey, State of Nuevo Leon. I replied that it could not, in my opinion, be the same person, as Mr. Sommer's passport from the Department of State was undoubtedly genuine and I did not think he had ever lived in Monterey, but that I would make inquiry on the latter point and endeavor to remove his doubts in regard to it. A few days after I sent to him, without any note or comment, the affidavit of which I inclose a copy, showing that the Gustavus Sommer who was matriculated as a German, and resident in Monterey, was a different person, and that he had since died.

On the 31st of March, 1877, Mr. Vallarta sent me a note saying that there were reasons for believing that Mr. Sommer was by birth of German nationality, and that the Mexican law required that naturalized citizens of the United States should present to the Mexican Government their naturalization papers in order to obtain matriculation as such, and that Mr. Sommer would have to present such document.

I replied to this note on the 5th of April, 1877, that I could not, in view of the instructions given by Mr. Fish in 1872, transmit any other document to authenticate the American citizenship of Mr. Sommer than the passport signed by the Secretary of State; called his attention to Mr. Fish's dispatch of February 13, 1872, in which the refusal to matriculate an American citizen upon the authentication of the Secretary of State is styled a discourtesy which cannot be acquiesced in by the Government of the United States; and that the latter could not consent to allow a distinction in this respect to be made between its native and foreign-born citizens, as Mr. Vallarta's note contemplated.

The subject remained in this suspended state for more than sixteen months, the Mexican Government still retaining the passport which I had sent it, when, as Mr. Sommer expressed a desire to obtain his matriculation, I addressed another note to the Department of Foreign Affairs on the 31st ultimo, asking for a definite answer in regard to the application.

The Minister answered my note on the 10th instant, in which he referred to the fact that the passport was dated in 1873, and that by the terms of my circular of December 5, 1873, on the subject of matriculation, it would have no effect beyond one year; and he entered at some

length upon a review of a discussion had between the legation and his department in 1873, and returned to me the passport.

As the Minister, in my opinion, was seeking to avoid the issue, in replying on the 11th instant I sought to make clear that the case involved the question whether the passport of the Department of State was a sufficient evidence of American citizenship, and whether the Mexican Government could make a distinction between native-born and naturalized citizens; and in answer to his point as to the invalidity of the passport on account of date, I said that I, being clothed with full authority to issue passports to American citizens, had by the act of making the one in question the basis of the application for matriculation revived or renewed it for that purpose, but that if he considered it essential I would obtain a new passport from the Department, and would renew the application for matriculation based upon the latter. I also called attention to the fact that if the position assumed by the Mexican Government should be insisted upon, it would be absolutely impossible in a great many cases to comply with its requirements, even if the question of discourtesy to the Department of State was put aside, as there was a large class of American citizens born of foreign parentage who possessed no certificates of naturalization.

The acting Minister replied to me on the 17th instant that his government could not modify its position, and inclosed me copies of the laws and department regulations regarding matriculation.

In acknowledging receipt of said note on yesterday, I informed the acting Minister that until the subject was again referred to the Department of State, and I received from you new and different instructions from those now existing, I would be required to suspend all applications for matriculation. I took the occasion also to correct and deny the statement in the minister's note of the 10th instant, that the position of my government had been changed since the date of Mr. Fish's dispatch of February 13, 1872.

The subject is therefore remitted to the Department of State for such instructions as it may think proper to give.

By reference to Mr. Fish's dispatch to me, No. 43, November 1, 1873, it will be seen that he reiterates the position taken in that to Mr. Wilson of February 13, 1872, stating that the "sufficiency or supremacy of a passport cannot be questioned. Such a proceeding would clearly constitute an international case."

I refer you to my dispatches numbered 82, of December 10, 1873, and 106, of February 11, 1874, as containing the past discussions of the subject referred to in Mr. Mata's note of the 10th instant.

I am, &c.,

JOHN. W. FOSTER.

(Inclosure 1 in No. 786.)

*Mr. Foster to Mr. Vallarta.*

Unofficial.]

LEGATION OF THE UNITED STATES,  
Mexico, February 24, 1877.

SIR: I inclose herewith the passport of Mr. Gustavus Sommer, a citizen of the United States residing in this city, who is desirous of obtaining a certificate of matriculation from Your Excellency's Government, and I have consequently to request that Your Excellency will cause it to be issued.

I am, &c., with great respect, Your Excellency's obedient servant,

JOHN W. FOSTER.

To His Excellency, I. L. VALLARTA,  
&c., &c., &c.

[Inclosure 2 in No. 786.]

*Affidavit of Mr. E. Sommer.*CONSULATE-GENERAL OF THE UNITED STATES OF AMERICA,  
*Mexico City, March 28, 1877.*

Before me, Julius A. Skilton, consul-general of the United States of America at Mexico City, personally appeared, this 28th day of March, 1877, Mr. Eugene Sommer, known to me, and known to me to be the same, who, having been first duly sworn to state the truth, the whole truth, and nothing but the truth, deposed and said that he is the son of Frederick Sommer, of Cannstadt, Wirtemberg; that he has had six brothers, two of whom have been in Mexico, by name Henry and Gustave; that the former is now in Cannstadt, and the latter, Gustave, resided in Monterey, State of Tamaulipas, from the year 1872 to the year 1875, and died June 1, 1875, in Brownsville, Texas; that he maintained the nationality of his father, which was German; that Gustave Sommer, of the house of Agn. Guthell & Co., belongs to another family entirely, and according to his information is from Hamburg.

(Firmado)

EUGENE SOMMER.

Subscribed and sworn to before me this 28th day of March, 1877.

(Firmado)

JULIUS A. SKILTON,  
*United States Consul-General.*

[Inclosure 3 in No. 786.—Translation.]

*Mr. Vallarta to Mr. Foster.*DEPARTMENT OF FOREIGN AFFAIRS,  
*Mexico, March 31, 1877.*

SIR: I have the honor to reply to Your Excellency's note, dated 24th of last February, with which you were pleased to transmit a passport of Mr. Gustave Sommer, in order that a certificate of matriculation as an American citizen might be issued to him by this department.

The law of the 13th of March, 1863, expressly specifies that in order to issue that class of documents to persons having a certain nationality, not by birth, but through naturalization, it is necessary that they present unimpeachable proof of having complied with the condition in regard to residence and such other conditions as the laws prescribe in relation to foreigners naturalized in the country whose citizenship they pretend to have; and the proof which the government requires in such cases is the corresponding naturalization papers.

Concerning Mr. Gustavus Sommer, there are reasons for believing that he was at first of German nationality, reasons corroborated by the affidavit made before the consul-general of the United States by Mr. Eugene Sommer, which document Your Excellency sent me on the 28th instant.

In such case Mr. Gustavus Sommer should present his naturalization papers as a citizen of the United States, or a copy of them duly legalized, as has already been conceded to Your Excellency.

Such document will not be indispensable if Your Excellency will substitute it with a certificate in which it may appear that Mr. Gustavus Sommer is an American citizen by birth; this will be a sufficient proof for the government.

I renew to Your Excellency the assurances of high consideration with which I am,  
Your obedient servant,

I. L. VALLARTA.

To His Excellency JOHN W. FOSTER, *Sec., Sec.*

[Inclosure 4 in No. 786.]

*Mr. Foster to Mr. Vallarta.*

[unofficial.]

LEGATION OF THE UNITED STATES,  
*Mexico, April 5, 1877.*

SIR: I have the honor to acknowledge the receipt of Your Excellency's communication of the 31st ultimo, in which you refer to the Mexican laws and regulations in regard to the matriculation of foreigners, which require certain specific proofs as to the methods and conditions of naturalization of citizens whose matriculation is applied for, in which you state that you have reason for believing that Mr. Gustavus Sommer, in whose behalf I applied for matriculation as an American citizen on the 24th of Feb-

ruary last, inclosing to you his passport as such, signed by the Secretary of State of the United States, was of German nationality, and in which you state that Mr. Sommer should present his certificate of naturalization as an American citizen, or a certified copy thereof. Your Excellency is kind enough to state that such certificate may be dispensed with if I shall state that Mr. Sommer is a native-born American citizen.

I beg, in the first place, to state to Your Excellency that the only motive I had for sending to you the affidavit of Mr. Eugene Sommer made before the consul-general, referred to in your note, was to remove the suspicion, which you verbally expressed to me, that the person in whose behalf I had applied for matriculation had been previously matriculated as a German subject at Monterey, establishing by the said affidavit that the person you had referred to as having been matriculated as a German subject at Monterey was another individual of the same name. That affidavit, informally placed in your hands, was not intended to be made a part of my application for matriculation, or in any degree to qualify or effect the passport of the Secretary of State, upon which alone I based the application for matriculation.

In answer to Your Excellency's note, I have to state that I can make no further statement nor transmit any other document to authenticate the American citizenship of Mr. Gustavus Sommer than the passport signed by the Secretary of State and authenticated by the official seal of that Department. The position of my government on this subject has been very explicitly stated by the late Secretary of State in his dispatch to my predecessor, dated February 13, 1872, of which a copy was sent to Your Excellency's department on the 16th of June, 1873. On the 23d of March, 1874, in a note to Mr. Lafragua, I had occasion to express my views at some length upon this point, and I will limit myself to referring Your Excellency thereto.

The refusal to matriculate an American citizen, upon the authentication of such citizenship by the Secretary of State, is styled by the honorable gentleman who lately occupied that office as a discourtesy which cannot be acquiesced in by the Government of the United States, nor can it consent to allow a distinction in this respect to be made between its native and foreign born citizens.

Notwithstanding official relations have not yet been established between my government and that of General Diaz, I have been desirous that American citizens should continue to show a due regard for all proper requirements of the country in which they reside, and it will be a source of regret to me if Your Excellency shall take such a course as will prevent them from doing so in this particular.

With the renewed assurances of my distinguished consideration, I am, Your Excellency's obedient servant,

JOHN W. FOSTER.

To His Excellency IGNACIO L. VALLARTA,  
*Sec., Sec., Sec.*

[Inclosure 5 in No. 786.]

*Mr. Foster to Mr. Mata.*

LEGATION OF THE UNITED STATES,  
*Mexico, August 31, 1878.*

SIR: On the 5th of April of last year I addressed Your Excellency's predecessor a note in regard to the matriculation of Mr. Gustave Sommer, in which I replied to some statements made in Mr. Vallarta's note of March 31 of that year.

As no answer has as yet been made to my said note, I am at a loss to know whether or not the question is considered as pending by Your Excellency's department. A number of applications for matriculation have been made to this legation which I have delayed acting upon until I should be informed of the final decision of the Mexican Government in the case of Mr. Sommer.

I am, with marked consideration and respect, Your Excellency's obedient servant,  
 JOHN W. FOSTER.

To His Excellency J. M. MATA,  
*Secretary of Foreign Affairs, Mexico.*

[Inclosure 6 in No. 786.—Translation.]

*Mr. Mata to Mr. Foster.*

DEPARTMENT OF FOREIGN AFFAIRS,  
*Mexico, September 10, 1878.*

MR. MINISTER: I have had the honor to receive Your Excellency's note of the 31st of August last, relating to the certificate of matriculation of Mr. Gustave Sommer.

Your Excellency states in it that not having yet received a reply to another note of your legation, of April 5, of last year, referring to the same matter, you wish to know whether or not this department considers the question pending, and you add that there are many applications for matriculation in the legation of the United States, with regard to which Your Excellency has postponed all action until the final decision of my government in the case of Mr. Gustavus Sommer is known to you.

I should, first of all, inform Your Excellency that this department entertained the opinion that Your Excellency had yourself terminated the matter, an opinion based on the contents of your said note of April 5, of last year, and for this reason no reply was made; but, on being revived by the note which the legation transmitted to this department ten days ago, I considered it necessary, without desiring by this to renew the discussions had concerning the Mexican laws of matriculation between Your Excellency and your predecessor, Mr. Nelson, on the one hand, and my predecessor, Mr. Lafragua, on the other, to reply to certain of the points of the note of April 5th, to the end that the silence of my government with respect to them may not be misconstrued at any time, or understood as a weak conviction of its right, or as a tacit acceptance of a responsibility which it declines in the most solemn manner.

Your Excellency states in your said note of April 5, that in order to prove the American citizenship of Mr. Gustave Sommer, you will make no other declaration nor transmit any other document than the passport signed by the Secretary of State, and authorized by the official seal of that Department.

This department would appeal, if such appeal could be taken, to a just means of overcoming the difficulty to which the certificate of matriculation of Mr. Sommer has given rise; but Your Excellency will do it the justice to acknowledge that until the legislation in force respecting matriculation is duly amended by Congress, the Executive cannot fail to comply with its requirements without assuming a grave responsibility which would not be excused by the desire to manifest all manner of considerations to the Government of the United States and its Minister in Mexico. I may, nevertheless, be permitted to state to Your Excellency that even in case our laws should not require, in instances like the one giving rise to this note, other proof of nationality than a passport, my government would still encounter a difficulty in issuing the certificate of matriculation under consideration, in view of the resolution of Your Excellency to present no other document and of the special condition of the passport of Mr. Sommer.

It seems that the Government of the United States itself has recognized the impropriety of giving for an indefinite time their original value to passports, inasmuch as in the instructions of December 5, 1873, to the consuls of that country residing in Mexico, transmitted through Your Excellency, who communicated them on the same date to this department, it is stated in an explicit manner that *these documents lose their validity one year after being issued and should be renewed either at the Department of State or in the legation of the United States*. This is the proper time to call attention to the fact that the certificate of matriculation of Mr. Sommer, being asked in February, 1877, Your Excellency exhibits as proof of his nationality a passport issued in May, 1873, that is to say, four years before, and for the same reason null and void for three years.

Your Excellency closes your note by saying that it has been your desire that American citizens should continue showing due respect to the just requirements of the country in which they reside, and that you would regret the adoption by this department of such a course as would prevent their acting in this manner.

It is a fact, placed already beyond all doubt, that although the Government of the United States (as Your Excellency says in referring to the dispatch of February 13, 1872) previously formed an unfavorable opinion of the Mexican laws of matriculation, Your Excellency stated, a long time afterwards, to my predecessor, that is to say, on the 5th of December, 1873, that *it was gratifying to you to assure him that the Government of the United States, desirous of avoiding all causes of trouble or misunderstanding, recognizes the duty of American citizens residing in Mexico to obey its laws and conform to all the just requirements of the government*; and in the circular addressed by Your Excellency to the consuls of the United States on the same date, of which document I have already made mention, you declared, in a manner sufficiently explicit, that *it is the duty of American citizens who come to Mexico to engage in commercial or other pursuits, to obey the laws of the country and conform to all the requirements of its government not in contravention of treaty stipulations or international law*. The Government of the United States does not regard the provisions of the law of matriculation as illegal nor unduly oppressive in form; and it cannot properly be protested against unless unusual or unreasonable proof of citizenship should be required in a special case.

The proof of American citizenship which this department causes to consist in the respective naturalization-papers or in their copies duly authorized, as was made known to Your Excellency on December 2, 1873, cannot with justice be called unusual, because it is prescribed by the law of March 13, 1863, and because it is required generally of all foreigners without distinction of nationality, and not in a special manner of American



citizens; nor less can it be considered as exaggerated or unreasonable, because nothing is easier than for a naturalized citizen to present his papers of such naturalization, or an authorized copy, in order to avoid the danger of losing the originals. So true is all this, that Your Excellency accepted the concession of this department without objection, inasmuch as you have transmitted to it various copies of papers of American citizenship acquired by naturalization. Thus, then, the requirements which this department deems necessary for issuing certificates of matriculation are in harmony not only with the laws of the country, but even with the desires and express declaration of the United States, transmitted through Your Excellency in official documents, and have been, as was said before, practically complied with by Your Excellency.

In view of all the foregoing explanations, which I do not doubt will be attentively considered by Your Excellency, the executive entertains the belief that neither will Your Excellency hesitate in your good purpose of causing American citizens to respect the laws of the country in which they reside, nor will the latter forget the admonitions which have been made to them by their government through so distinguished a medium as that of Your Excellency.

I return to Your Excellency the passport of *M<sup>r</sup>* Gustave Sommer, and repeat myself Your Excellency's devoted servant,

J. M. MATA.

His Excellency JOHN W. FOSTER,  
*Sec., &c., &c.*

[Inclosure 7 in No. 786.]

*Mr. Foster to Mr. Mata.*

LEGATION OF THE UNITED STATES,  
*Mexico, September 11, 1874.*

SIR: I am just in receipt of Your Excellency's note of yesterday relating to the application made by this legation for the matriculation of *Mr.* Gustavus Sommer as an American citizen, and I hasten to reply thereto, as Your Excellency appears to have misconceived the question at issue in the case.

I desire first to state, in reply to Your Excellency's remarks as to the pendency of the case, that so long as the passport was retained in the Foreign Office I was justified in considering the application as undecided.

I regard the simple question raised by the note of Your Excellency's predecessor of March 31, 1877, to be whether the passport of the Secretary of State of the United States, attested with the seal of his Department, is a sufficient evidence of American citizenship on the part of a person who applies for matriculation to the Mexican Foreign Office.

On the 26th of February, 1877, I applied to *Mr.* Vallarta for the matriculation of *Mr.* Gustavus Sommer, and to attest said citizenship I inclosed his passport in due form, signed by the Secretary of State of the United States. *Mr.* Vallarta answered, under date of March 31, 1877, that there were reasons to believe that *Mr.* Sommer was by birth of German nationality; that it was required that naturalized citizens should present "unimpeachable proof of having complied with the conditions" in force in the country where naturalized, "and the proof which the government requires in such cases is the corresponding naturalization-papers," and closes by stating that "*Mr.* Gustavus Sommer should present his naturalization-papers as a citizen of the United States."

The case is thus plainly stated by *Mr.* Vallarta: The passport of the Secretary of State of the United States is not "unimpeachable proof" of the citizenship of an American if there exists a suspicion that he had previously another nationality by birth, but the naturalization-paper, or certified copy thereof, is the "unimpeachable proof."

I have heretofore stated in the discussion of this question that neither the government nor the laws of the United States make any distinction between native-born and naturalized citizens of the United States, nor would it be proper to allow a foreign government to do so, especially respecting persons who have never been citizens of the latter government. The principle involved is one which my government too highly esteems to allow it to be lightly violated, and I cannot, therefore, acquiesce in the action taken by Your Excellency's predecessor, and which seems to be adhered to in your note of yesterday. The views of the late Secretary of State, *Mr.* Fish, are clearly expressed upon the subject in his dispatch to *Mr.* Nelson of February 13, 1872. He says: "It seems that a distinction is made between native and naturalized citizens of the country who may seek matriculation. The passport, say, of this Department is respected when issued to those born here, but the Mexican Government assumes the

right to inquire into the authenticity of certificates issued to naturalized citizens of the United States, and therefore will not respect the passports of this Department issued to such citizens. In this that government may be regarded as showing a want of comity, at least, which was not to have been expected." And he adds: "The passport on its face does not make any distinction between native and naturalized citizens, and it is conceived that no foreign government can, without discourtesy at least to the head of this Department, attempt to make such a distinction." While I, in my note of December 5, 1873, and the circular attached, to which Your Excellency refers, manifested an earnest desire, as I have always done, to secure a compliance with the Mexican laws by American residents, I have always made it plain to the Mexican Government that I could not yield the point in question, nor would I be sustained by my Government in any act recognizing a distinction between native and naturalized citizens.

Your Excellency will see, upon a moment's reflection, that the course required by your department implies an inconsistency which I cannot believe was deliberately taken, which is, that the Mexican Foreign Office is a more competent and experienced authority to pass upon the authenticity of American judicial documents—viz, naturalization papers—than the Secretary of State of the United States, for, as was stated in Mr. Fish's dispatch of February 13, 1872, before a passport is issued to a naturalized citizen, the presentation of the certificate of naturalization to the Department of State is required. The position assumed by the Mexican Government leads to other embarrassing results, aside from the discourtesy which it implies to the Secretary of State. One of these is mentioned in the last paragraph of Mr. Fish's dispatch cited. In addition to those there referred to, there is a very large number of persons in the United States who were born in other countries, of foreign parentage, who have become citizens by virtue of the laws of the United States, who are possessed of no naturalization-papers. Conformity with the requirements of Your Excellency's department in these cases would be impossible.

Your Excellency refers to the fact that Mr. Sommer's passport is more than one year old. That fact was not considered by Mr. Vallarta as a reason for rejecting his matriculation, nor has it ever been alleged as such by the Mexican Government, when such passports have been presented. The regulation referred to is one for the guidance of consular officers of the United States, and does not in any way affect the citizenship of the holder of the passport. The laws of the United States confer upon diplomatic representatives thereof the power to renew or reissue passports, and by making the one in question the basis of my application for Mr. Sommer's matriculation, I recognized its efficacy, and, for the uses of the Foreign Office, renewed or revived it. I hardly believe Your Excellency will insist upon this point. I will, however, state, that should you regard it as an insuperable objection to Mr. Sommer's matriculation, and will indicate your willingness to matriculate him upon the presentation of a passport issued by the present Secretary of State within twelve months from the date thereof, I will at once obtain a new passport, and cheerfully conform to such requirement. I have, therefore, to respectfully request Your Excellency to indicate to me your pleasure in this regard at an early day, so that no time may be lost in procuring Mr. Sommer's matriculation and saving him from embarrassment which might result from delay.

I trust Your Excellency has not construed my suspension of applications for matriculation on behalf of other American residents into a disposition to thwart the just requirements of the Foreign Office or of the Mexican laws. I am only acting in conformity with the well-known principles of my government, and in obedience to the instructions of the Secretary of State. I still hope that Your Excellency will recognize the passport of the Secretary of State, with my attestation of its genuineness and validity, as the "unimpeachable proof" required by Mr. Vallarta, and issue the certificate of matriculation thereon; for I have none other, and would not in any case be able to present any proof more "unimpeachable."

I avail of this opportunity to renew the assurances of the high esteem with which I am Your Excellency's obedient servant,

JOHN W. FOSTER.

To His Excellency J. M. MATA, *&c.*, *&c.*, *&c.*

[Inclosure 8 in No. 786.—Translation.]

*Mr. Acila to Mr. Foster.*

DEPARTMENT OF FOREIGN AFFAIRS,  
*Mexico, September 17, 1878.*

MR. MINISTER: Your Excellency's note of the 11th instant, referring to the certificate of matriculation of Mr. Gustave Sommer, was received in this department.

The President has directed that I reply to Your Excellency that the Executive has no power to modify its resolution in the present case, because it lacks the faculty to change the existing laws regarding matriculation, a copy of which I inclose, marking

with asterisks the articles applicable to the said case. Your Excellency will find the conduct of the Executive in this matter to be fully sustained by them.

I should also state in the most explicit manner, before concluding this note, that the Executive has not characterized as *impeachable* the proof of citizenship which may be made to consist of a passport issued by the Department of State, in contradistinction to the *unimpeachable* proofs spoken of in article 1 of the law of March 13, 1863; since if it has been refused to accept documents of this nature it is because, however respectable they may be, and however great the confidence they may merit, they are not the documents which the law requires.

Your Excellency will be pleased to accept my profound consideration.

ELEUTERIO AVILA,  
Chief Clerk.

To His Excellency JOHN W. FOSTER,  
Sec., Sec., Sec.

(From the decree of March 16, 1861.)

ARTICLE 11. Foreigners, in order to obtain that document, shall prove their nationality with the passport with which they entered the republic, or with a certificate from the diplomatic or consular agent of their nation, without having to make any written application whatever to the Department of Foreign Affairs in order to obtain the said certificate of matriculation.

(From the decree of March 13, 1863.)

ARTICLE 1. Article 11 of the law issued on the 16th of March, 1861, which provides that for the entering of an individual upon the register for the names of foreigners, and for the issuance of proof of such registry it is sufficient to present to the Department of Foreign Affairs an evidence of nationality certified to by the respective diplomatic or consular agent, is declared to have been, and should be, understood in that light when the interested party has the nationality by birth which the certificate attributes to him, but not when he has acquired such nationality by naturalization: since then, in order to be recognized, he must present to the government an unimpeachable proof of having complied with the condition of residence and such other conditions as the laws relating to naturalized foreigners prescribe in the country whose nationality he claims to have.

ART. 2. As the Mexican Government had had no power nor disposition to alter the legislation of other countries in regard to the requirements for obtaining naturalization, all the declarations and recognitions of determined nationalities which emanate from naturalization without the proof of having complied with those requirements remain without any value whatever until said proof is presented.

(From regulations of Foreign Office, June 28, 1871.)

Third. The proof which shall be presented by persons naturalized in a foreign country will be the naturalization-papers legalized in due form; and only when their destruction or loss is sufficiently proven, or when such documents are not necessary according to the laws of the country where they might have been issued, may other proofs of equal value be admitted, to the end that the interested party legally obtained the naturalization which he claims.

(Inclosure 9 in No. 786.)

Mr. Foster to Mr. Avila.

LEGATION OF THE UNITED STATES,  
Mexico, September 19, 1878.

SIR: I am in receipt of your honor's note of the 17th instant, in which you maintain the position heretofore assumed, that Mr. Gustavus Soumer cannot be matriculated upon the passport of the Secretary of State of the United States. In view of this decision and of the dispatch of the Secretary of State of February 13, 1872, it becomes my duty to inform your honor that until the subject is referred by me to the Department of State, and I receive new and different instructions thereon, I will be required to suspend all applications for the matriculation of American citizens. In this connection it is proper to state that the position of neither my government nor this legation has been changed upon this subject since the date of Mr. Fish's dispatch of February 13, 1872. It was a matter of surprise to notice such an assertion in the note of your honor's department of the 10th instant, when a similar assertion had been solemnly denied and corrected in my note of December 16, 1873.

I renew with this opportunity the assurances of my high consideration and esteem.

JOHN W. FOSTER.

To His Honor ELEUTERIO AVILA,  
Chief Clerk in charge of the Department of Foreign Affairs, Mexico.

No. 365.

*Mr. Foster to Mr. Erarts.*

No. 788.]

LEGATION OF THE UNITED STATES,  
*Mexico, September 23, 1878. (Received October 9.)*

SIR: In a conversation which I had with the acting minister of foreign affairs last week, I referred to the announcement made in the President's address to Congress of the proposed campaign against the Indians in Coahuila, and expressed my gratification at the movement, which I said, if successful, would have a very beneficial effect on the peace of that frontier. I, however, at the same time, expressed some doubt as to whether in the present depleted condition of the federal treasury the means would be at hand to properly equip and render effective the expedition.

Mr. Avila, in reply, said that the President had already provided \$40,000, which had been placed at Monterey, and a like sum or more, if necessary, would be supplied to the force; and that he was determined to leave nothing undone to make the campaign entirely successful. Since this conversation, the government gazette has published an article, of which I inclose a translation, in which the deposit of funds on the frontier for this purpose is mentioned; on which account it states the civil list cannot be paid the amount due for August, and it makes an appeal to the patriotism of the employés, in view of the necessary postponement of payment to them.

The Executive appears to be really in earnest in this movement, which I have so long urged upon it, and I will watch it with attention, prepared to give it full credit for all that may be accomplished in the punishment and removal of the Indians from that frontier, where they have so long been a scourge to the people of Texas.

I am, &amp;c.,

JOHN W. FOSTER.

[Inclosure in No. 788.—Translation.]

*Deposit of funds on the northern frontier.*

[From the Diario Oficial, September 21, 1878.]

The President of the republic, as he stated in the address which he read on the 16th instant upon the opening of the sessions of the Congress of the Union, has determined to undertake an action, and, from all points of view, an efficacious campaign, against the barbarous Indians and marauders of the northern frontier, who cause so much injury to the peaceful inhabitants of both sides of the Rio Grande. With this object it has been necessary to deposit lately, in various federal offices of the same frontier, considerable sums of money, and, for this reason, the amounts due to the civil list for the last half of August (or if not the whole of them, at least the greater part of them) have not been paid.

We believe that the nation, and even the employés themselves, who have not been paid the amount of their salaries for one month, will approve of this resolution of the Executive, which is dictated in view of sentiments of justice and patriotism, and in the good results of which the whole republic is deeply interested.

Notwithstanding the foregoing, the good season in the ports being now near at hand, and the contraband trade having diminished in consequence of the energetic measures of the department of finance, which have recently occasioned the seizure of certain contraband goods of importance in distant custom-houses, it is hoped that the condition of the treasury will improve.

No. 366.

*Mr. Foster to Mr. Exarte.*

No. 797.]

LEGATION OF THE UNITED STATES,  
*Mexico, October 4, 1878. (Received October 22.)*

SIR: I have to report that under date of the 24th ultimo I transmitted to the Mexican foreign office a copy of your dispatch No. 502, of the 31st of August, relating to co-operation of the alcalde of Las Vacas in the recovery of cattle stolen from Texas.

Up to the present date I have received no response to my note.

I am, &c.,

JOHN W. FOSTER.

[Inclosure in No. 797.]

*Mr. Foster to Mr. Arila.**MEXICO, September 24, 1878.*

SIR: I discharge a very agreeable duty in inclosing to your honor the copy of a dispatch from the Department of State at Washington, in which is communicated the efficacious co-operation of the alcalde of Las Vacas, Mexico, in the recovery of cattle stolen from Texas and carried off into Mexico, and the views of said Department as to the salutary effects of such conduct.

With sentiments of high esteem,

I remain, &c.,

JOHN W. FOSTER.

No. 367.

*Mr. Foster to Mr. Exarte.*

No. 799.]

LEGATION OF THE UNITED STATES,  
*Mexico, October 5, 1878. (Received October 22.)*

SIR: I am to-day in receipt of your dispatch No. 514, of the 20th ultimo, in regard to the raids committed by Areola and his band of Kimeres, and giving the views of our government on the state of affairs on that frontier; and I have to report that I have lost no time in submitting the same to the Mexican Government in a note of this date addressed to the acting minister of foreign affairs, in which I embodied the exact language of your dispatch.

On yesterday I also gave to the acting minister the contents of your dispatch No. 510, of the 14th ultimo, concerning the doings of Areola's band in Texas in August last.

In the same note I also referred to the complaints which I made to the minister of foreign affairs and President Diaz six weeks ago in regard to this same Areola, and to the protection and encouragement shown him by the frontier authorities.

You will find this matter alluded to in my dispatch No. 767, of August 24 last, in giving an account of my interview with the President and Mr. Mata on frontier affairs. I have not been advised that any measures were adopted concerning Areola, or that my complaint had any effect.

I am, &c.,

JOHN W. FOSTER.

[Inclosure in No. 799.]

*Mr. Foster to Mr. Avila.*

## LEGATION OF THE UNITED STATES,

*Mexico, October 4, 1878.*

SIR: The Department of War of the United States has received information from the commanding general of the Department of Texas that a raiding party, numbering some thirty men, led by a Mexican named Areola, has appeared lately between Fort Duncan and El Jardin, Tex., threatening the destruction of the property of Americans in that region. On the 8th of August last Areola visited the ranch of Mr. José Maria Cardenas, which he threatened to burn, together with the neighboring ranch belonging to one Martinez, and left, announcing his intention to return and execute his menaces.

I have been instructed to bring this circumstance to the attention of the Mexican Government, and to inquire of your honor whether the doings of Areola are known to the authorities, and what means, if any, have been or will be taken to prevent such lawless measures on the soil of a friendly neighboring state.

In executing, as I have above, the instructions of the Secretary of State, I desire to add, that in a conference which I had at the foreign office with the late minister of foreign affairs, Mr. Mata, on the 22d of August last, in regard to the continued raids being made by Mexicans and Indians into Texas, representing to him the critical condition of affairs on that frontier in consequence thereof, and the urgent necessity that the Mexican Government should at once adopt some measures to repress and punish them, I read to him an unofficial letter from General Ord to me, dated July 25 last, in which special complaint was made of this same person, Areola, giving information of his residence, character, and conduct, and stating that while his extradition or punishment had been demanded, he had, instead, been assigned to military command by the authorities, and that the same spirit of contempt and indifference for the just demands of the Government of the United States was manifested in other instances by the Mexican authorities on the frontier of Coahuila. And on the next day, to wit, the 23d of August last, the same subject was discussed in an interview which, at Mr. Mata's request, the President was pleased to grant me.

Up to the present date I have not been advised that any measure has been adopted by the Mexican Government to prevent the raids of Areola and his band, or punish them for their lawless acts. The inquiry which I have been instructed to make of your honor, as given above, appears the more pertinent in view of the information which I communicated on the 22d of August last.

I remain, &c.,

JOHN W. FOSTER.

---

No. 368.

*Mr. Foster to Mr. Ervarts.*

No. 800.]

## LEGATION OF THE UNITED STATES,

*Mexico, October 7, 1878. (Received October 22.)*

SIR: In acknowledging receipt of your dispatch No. 513, of the 20th ultimo, I have to report that on the 5th instant I sent to the acting minister of foreign affairs a copy of the communication of the Commissioner of Indian Affairs, inclosed with your dispatch, and assured him that our government would omit no effort to arrest and bring to justice any American Indians who may have committed depredations in Mexico.

With my No. 778, of the 7th ultimo, I sent you a translation of an article prepared by the Mexican foreign office and published in one of the unofficial newspapers of this city, among other things arraigning the authorities of Arizona for encouraging Indian raids into Sonora. With the same dispatch I also sent you a report made by the Mexican consul at Tucson, Arizona, completely disproving the charge and entirely vindicating the American authorities in their treatment of the Indians. These documents may be of sufficient interest to the Indian Bureau to justify you in sending copies to the Commissioner, especially as the report of

the Mexican consul throws some light upon the matter referred to in his communication of the 14th ultimo.

I was surprised that in making the publication above alluded to, the Mexican foreign office did not include the said report of the Mexican consul at Tucson, especially as it had been published more than a month before in the official paper of Sonora. Having waited five days and no reference having been made to it, I was unwilling to have so grave a charge against our authorities stand uncontradicted; whereupon I addressed the minister of foreign affairs a note, on the 10th ultimo, informing him of the contents of the consul's report and of its publication in Sonora, and stating that I could only explain its omission in the publication made by the foreign office on the supposition that it had not yet been received by said office. If such was the case, and he desired to have a copy, I offered to send the minister the official newspaper of Sonora which contained it.

The minister answered me on the 12th ultimo, that the consul's report had not been received by his department, and said he would be pleased to receive the paper mentioned by me.

On the next day I sent to the minister the newspapers containing the consul's report; and I confidently expected that he would cause it to be published in the same newspaper of this city in which he had authorized the charge against our authorities in Arizona to be made, but no such publication has appeared.

I have received no further information from the Mexican Government in regard to the reported murder of seventy Mexicans in Northwest Chihuahua by Indians from the United States, nor has any other reference been made to it in the newspapers. I am inclined to believe that the report has been greatly exaggerated, or, if not entirely unfounded, that the raid is the work of the thirty-three Indians mentioned in the Mexican consul's report who are hiding in the mountains between Chihuahua and Sonora, and whose arrest by the American troops has been prevented by the orders of the Mexican Government itself.

I am, &c.,

JOHN W. FOSTER.

---

No. 369.

*Mr. Foster to Mr. Ecarts.*

No. 802.]

LEGATION OF THE UNITED STATES,  
Mexico, October 8, 1878. (Received October 29.)

SIR: Frequent inquiries are addressed to this legation from the United States by holders of Mexican bonds. These inquiries embrace the market value of said bonds, whether the Mexican Government is now paying or expects at an early day to pay the interest, and in some instances whether certain bonds are genuine and recognized by the Mexican Government. Of late these inquiries have become so frequent that I have thought it best to prepare a statement for such use as you may think proper to make of it, of Mexican bonds issued in the United States, describing those which are recognized by the government as genuine, giving some information as to the security on them, the probability of the resumption of interest payment and their market value.

The bonds in question all had their origin in 1865. At the close of our civil war the republican government of Mexico, which had been driven

by the French intervention and Maximilian empire to the extreme northern boundary of the Mexican territory, received fresh courage and increased hopes of finally triumphing, and it was regarded as an opportune moment, in view of the strong sympathy in the United States, to place upon the American market a government loan, to enable it to purchase arms and military equipments and to secure the enlistment of foreign troops to aid the native republican forces. The resolution of the Mexican Government to place this loan upon the American market was communicated by Señor Romero, the Mexican minister in Washington, to the Secretary of State, Mr. Seward, in a note dated July 23, 1865, and the objects to be attained thereby in part explained.

Gen. J. M. J. Carbajal, military governor of the States of San Luis Potosi and Tamaulipas, was intrusted by President Juarez with the mission of negotiating a loan in New York, and Gen. G. S. Ochoa in San Francisco. General Carbajal came to New York and entered into a contract, on the 15th day of May, 1865, with Daniel Woodhouse, as superintendent of The United States, European and West Virginia Land and Mining Company, embracing, among other objects, the issuance by Carbajal, on behalf of the Mexican Government, of \$30,000,000 of bonds, which were negotiated and sold by Woodhouse as financial agent of the Mexican Government.

This contract was at once disapproved by the Mexican minister at Washington, and, upon being transmitted to the Mexican Government, it was declared annulled and of no binding effect, for the reasons stated that Carbajal had exceeded his instructions, and Woodhouse had failed to comply with his obligations. Notwithstanding this action, Woodhouse proceeded to place the bonds upon the market, and several millions of dollars of this issue are believed to have been in some way put in circulation; and, from letters of inquiry which I frequently receive, there is reason to believe that some of them have found their way into the hands of innocent purchasers.

This transaction was made the subject of a lengthy note by the Mexican minister, Señor Romero, to Secretary Seward, dated April 20, 1867, and which, with inclosures giving full details, was transmitted by President Johnson to the House of Representatives July 10, 1867.

On the 11th of September, 1865, General Carbajal made a second contract with the firm of John W. Corlies & Co., of New York, for the negotiation and sale of Mexican bonds.

This contract was approved by the Mexican Government, and no question has been raised as to the legality and binding force of these bonds. The sale, however, was quite limited, the amount in circulation never having been much above \$2,000,000.

General Ochoa, who was intrusted with the negotiation of the loan in San Francisco, displayed little capacity for the business intrusted to him, and involved his government in much embarrassment and litigation. He made an issue of \$10,000,000 of bonds, and placed them upon the market, but they failed to sell. He afterward hypothecated them to secure his financial agent in San Francisco for \$30,000, which he had expended in printing them, and other costs. The \$10,000,000 of bonds were then taken to New York for sale, and there became involved in litigation. It is claimed by the Mexican Government that none of this issue of bonds have gone into general circulation, and that only \$500,000 of them remain outstanding, which at last advices were in the custody of Eugene Kelly & Co., of New York, by order of the supreme court of that State. Full details of these bonds were given by Señor Romero, in



a note to Secretary Seward, of June 4, 1867, communicated by President Johnson to Congress, as already stated.

It therefore appears that there are now held by American citizens two classes of Mexican bonds, which are known by the names of the financial agents who placed them in circulation, to wit, the *Woodhouse* and the *Corlies* bonds. The Woodhouse bonds were declared by the Mexican Government, at the time of their issue, to be fraudulent and unauthorized, and have never been recognized. On the other hand, the Corlies bonds were issued and placed upon the New York market with the full approval and authority of the said government, and are recognized as a binding obligation. At my request, the Mexican minister of finance sent to this legation a statement of the Corlies bonds in circulation on the 6th of March, 1874, and which is substantially the same up to the present date, as follows:

695 bonds, letter L, of \$50 each .....	\$34,750
3,583 bonds, letter C, of \$100 each .....	358,300
2,090 bonds, letter D, of \$500 each .....	1,045,000
6,338	1,438,050

These bonds were printed in Spanish and English, dated July 4, 1865, payable twenty years from October 1, 1865, with interest payable in gold semi-annually on the 1st October and 1 of April of each year, at 7 per cent. per annum, and are signed by José M. J. Carbajal, governor. &c., certified to by Julian Cérda, secretary, attested by Igno. Mariscal, secretary of legation, and registered by Fuentes. For a more accurate description, I inclose a copy of the English text of one of the \$50 bonds.

Having recently received a letter from an American citizen inclosing a coupon cut from a Mexican bond held by him, which he had forwarded to the Mexican minister in Washington, who answered that he was not able to say whether it was one of the genuine or fraudulent issue, I addressed the minister of finance a note of inquiry on the subject, and he sent me the report of which I inclose a copy, and also a copy of the coupon in question attached to the report. From the report it will be seen that the coupon is pronounced by the Mexican finance department as of the fraudulent and unrecognized issue. It is detected for the reason that the date of payment of interest is designated as September 1, and the denomination of the bond is \$1,000; whereas in the recognized issue the dates of payment of interest are October 1 and April 1, and the denominations of the bonds are \$50, \$100, and \$500.

By reference to the bond, of which I inclose a copy, it will be seen that its payment is guaranteed by the pledge of 500,000 acres of mineral and 5,000,000 acres of select agricultural lands in the States of Tamaulipas and San Luis Potosi, and also by the pledge of 60 per cent. of all the federal and State revenues accruing from port duties, imposts, and taxes in the States named; and the bond is made receivable in payment of all the above-pledged property and resources. The public lands pledged have never been made available, as there has been no survey of the same, and without such survey and an adjudication it will be difficult, if not impossible, to determine what are public lands: besides, it is a serious question whether these States are not entirely covered by private titles.

But the pledge of the public revenues of the federal and State governments is abundantly ample to cover the loan, if unincumbered by previous pledges. The last report of the minister of finance (December, 1877) showed the receipts of the custom-houses which are named in the bond, for the fiscal year 1876-'77, to be \$1,899,055, and as 60 per cent.

thereof has been pledged, the customs would yield annually at that rate \$1,139,433, which, as the total amount of the bonds in circulation is \$1,438,050, would be more than 75 per cent. of the total principal and more than eleven times the annual interest. But in addition to these customs receipts there are pledged "all dues in any manner payable to the said general and State government," which would include at least \$600,000 annually, making say \$360,000 more to be added to the amount which has been pledged to secure the payment of the bonds now held in the United States. It will thus be seen that the revenues pledged, without the lands, are more than sufficient to pay off the entire principal of the debt in one year.

In view of these facts, the statement will doubtless appear strange that the Mexican Government has not paid to the holders of the bonds a single half year's interest in the thirteen years since they were issued. When the bonds were placed on the market in New York, in 1865, the Mexican Government effected an arrangement with Messrs. Corlies & Co., their financial agents, whereby that firm, in order to make the bonds find a more ready sale, guaranteed the first year's interest and paid the same on such bonds as were sold directly by them. Under this arrangement I am informed that Corlies & Co. paid to holders of the first two coupons the sum of say \$68,000, which amount they have not up to this date been able to recover from the Mexican Government, although they have repeatedly sought a settlement. The total unpaid interest on the bonds now amounts to \$1,308,580, a sum nearly equal to the principal. The total debt, principal and interest, aggregates \$2,746,630.

The failure to pay the interest on these bonds is to be attributed not so much to the unwillingness of as to the financial embarrassments which constantly attend the Mexican Government. It has been a struggle for many years to collect enough money in the federal treasury to pay the current expenses of government, and it is not an unusual occurrence to have the salaries of public officials reduced, sometimes 50 per cent., and at others altogether unpaid, owing to the straitened circumstances of the public treasury. This poverty has led the government to violate its pledged faith with its foreign creditors, and apply the revenues, solemnly guaranteed and set apart for the bondholders, to its own necessities. And the condition of the federal treasury is generally better than that of the States, so that as fast as the customs duties and State revenues have been collected they have been used for the immediate demands of the respective governments, without any regard for or apparent thought of the American creditors, to whom 60 per cent. thereof had been sacredly pledged. President Diaz referred to the chief cause of these evils in his last message, when he attributed the embarrassments which always attend the public treasury to the frequent political convulsions to which the nation had been subject, and he justly recognized the financial question as that which must continue for some time in Mexico the one of most difficult solution.

I have stated that the pledge of the public revenues is abundantly ample to cover the American bonds in question, *if unincumbered by previous pledges*. But unfortunately such is not the case. The government commissioner, Hon. Manuel Payne, in a report of the foreign debt of Mexico in 1862 (pages 321 and 322), states that the entire customs revenue, excepting what was barely sufficient to meet the expense of collecting them, had before that date been solemnly pledged by law and treaties towards the payment of the European debt.

In addition to this, in 1868, three years after the guarantee given to the American bondholders, the Mexican Congress, in apparent obli-

ousness of its previous pledges to the European and American creditors, assigned 12 per cent. of the customs of Tampico and Matamoras to the Mexican Railway Company, and again in 1873 it assigned 8 per cent. of the same customs to the International Railroad Company of Texas. The same pledge of 8 per cent. was voted by Congress the following year to another railroad company known as the "Catorce," and a few months later to still another company called the "Central."

There may exist in Mexico a question which of these pledges has preference. If the common-law principle of mortgage, to say nothing of public faith, applies to the guaranties made by the government on its bonds, then the customs duties may be held to have been already fully pledged to the European debts before the issuance of the Carbajal-Corlies bonds. If the Congress has the power by subsequent legislation, which it seems to have exercised, to invalidate previous bonded pledges, there may be other and later claims upon these revenues to be satisfied before the American bondholders.

It will be inferred from the foregoing that there is very little hope of an early resumption, or rather commencement of payment of interest. The term *resumption* cannot properly be used, for, as has been stated, the government has never yet paid the interest on the first coupons. It might be practicable for the government to make some arrangement for the annually-accruing interest if that were the only foreign obligation it had to meet, but the interest already accrued on these bonds is now over \$1,300,000; the government feels the necessity of paying promptly the annual instalment of \$300,000 due to the United States under the Mixed Claims Convention; and it has besides an anterior foreign debt which now amounts, principal and interest, to say \$125,000,000.

From the foregoing statement it would hardly seem necessary to answer one of the inquiries often made to this legation by American holders of the Corlies bonds as to their market value. As no interest has been paid upon them by the Mexican Government since they were issued, and as there appears to be no prospect that the government will voluntarily assume the payment of either principal or interest at an early date, the bonds have no market quotation or value. The only transactions which tend to fix a market value on the Mexican foreign debt is a process resorted to at times by the Mexican treasury department, which is termed a "redemption" of the debt. This is nothing less than a purchase by the government, sometimes at public auction, but latterly by private negotiation, of foreign bonds at their depreciated value.

Some such transactions occurred in 1868-'69, and within the past year further purchases were made. It appears by the statement published in the government official journal in April last (noticed in my No. 701) that the bonds so purchased in 1868 cost the government 18½ per cent. of their face value, and the purchases of the present year only cost 4 per cent. Some of the Carbajal-Corlies bonds were among those purchased in 1869, but I am not aware that any of that issue were included in the recent operations. If, however, ten years of default in payment of interest has reduced the other classes of Mexican bonds to 4 per cent., it is to be supposed that the Corlies bonds have not been an exception.

The dispatches of this legation in 1868 characterized the action of the Mexican Government in the purchase of its own bonds at the depreciated value as "at variance with every dictate of sound policy and public good faith;" and I cannot believe that after ten years' additional default in the payment of interest the purchase of its bonds at a much greater reduction of value will be held as any more honorable observance of its plighted public faith.

The conduct of the Mexican Government in reference to the bonds which it sold in the United States in 1865, in order to obtain military resources to aid in overthrowing the Maximilian empire, has been the occasion of bitter complaint on the part of American citizens who purchased and now hold these bonds. But it is due to the Mexican Government to state that no unfavorable discrimination has been shown by it against Americans, as the necessities of the country, its revolutionary condition and bad management, have led to the violation of its public faith and guarantees to foreign bondholders of other nationalities as well, and this for many years anterior to the placing of the Carbajal-Corlies loan on the New York market. It might aid materially in enabling the American bondholders to form a correct opinion of the value of their securities and the probability of their payment in principal and interest, to give a statement of the other foreign indebtedness of the Mexican Republic and the treatment of the bondholders by the successive governments of this country; but it will be better to make these matters the subject of a separate dispatch.

The government official organ, the *Diario Oficial*, and other newspapers of this capital frequently allude to the holders of claims against the Mexican Government as the persons who are most busy in the United States in preferring charges against Mexico of bad faith and injustice toward American citizens. The foregoing statement will furnish some data from which to judge whether the complaints of the holders of the Carbajal-Corlies bonds are well founded.

I am, &c.

JOHN W. FOSTER.

[Inclosure 1 in No. 802.—Translation.]

*Copy of Carbajal-Corlies bond.*

50.] THE UNITED STATES OF MEXICO AND THE STATES OF TAMAULIPAS AND SAN LUIS POTOSI. [50.]

Twenty years from October 1st, 1865, for value received, the United States of Mexico and the States of Tamaulipas and San Luis Potosi will pay to \_\_\_\_\_ or bearer the sum of fifty dollars, with seven per centum interest per annum, payable semi-annually on the first day of October and the first day of April in each year, at the city of New York, U. S. A., principal and interest payable in gold.

For the payment of this bond the faith of the United States of Mexico is hereby pledged. Its payment is also specially guaranteed by the pledge of fifty millions of

dollars in select mineral lands in the States of Tamaulipas and San Luis Potosi, of the minimum value of one hundred dollars per acre, [Portrait of Washington.] and by five millions of select agricultural lands in the same States, [Portrait of Hidalgo.] of value of from one to fifty dollars per acre. Also by the pledge of

sixty per cent. of all the Federal and State revenues accruing from port duties, imports, and taxes in the States named.

This bond is receivable in payment of all lands and mines at minimum prices, one dollar per acre for agricultural lands and one hundred dollars per acre for mineral lands, and of all dues in any manner payable to the said general and State governments within the States of Tamaulipas and San Luis Potosi, and of duties at the port of Tampico, Soto La Marina, Matamoros, Camargo, Mier, Nuevo Laredo, and such others as may be hereafter established in said States.

Dated at San Carlos, in the State of Tamaulipas, United States of Mexico, this 4th day of July, 1865.

JOSE M. J. CARVAJAL,  
Governor of Tamaulipas and San Luis Potosi,  
acting for said States and the United States of Mexico.

Attest.

JULIAN CERDA, Secy.

Registered.

FUENTES.

Correct.

IGNO. MARISCAL,  
Sec'y of the Mexican Legation.

(Across the face:) 50.

## COUPON.

The United States of Mexico and the States of Tamaulipas and San Luis Potosi will pay to bearer one dollar and seventy-five cents, for six months' interest upon bond for \$50.

[Inclosure 2 in No. 802.—Translation.]

*Mr. Romero to Mr. Foster.*

Unofficial.]

MEXICO, September 17, 1878.

MY ESTEEMED SIR: In reply to your favor of to-day, with which you are pleased to transmit to me two letters and one coupon, which I return, I inclose a copy of the report in regard to the subject which the respective section of this department has made.

I repeat myself on this occasion your attentive and faithful servant.

M. ROMERO.

Hon. JOHN W. FOSTER,  
*&c., &c., &c., present.*

[Translation.]

## Report.

DEPARTMENT OF FINANCE.

Mexico, September 17, 1878.

In the opinion of the section, the coupon treated of in the preceding note belongs to the false bonds issued by Woodhouse, and not to the genuine bonds put in circulation by Gen. José María de Jesús Carbajal, the house of Corlies & Co., of New York, being commissioned for their printing and sale, since the former appears to be emitted for \$1,000, and the denominations of the latter are exclusively of \$50, \$100, and \$500. In the first is expressed the period extending from the 1st of March to the 1st of September, 1874, while from the legitimate Carbajal bonds only those coupons were cut off corresponding to the two half-years included between October 1, 1865, and the same date of 1866. The figures on the white ground indicating the value of the coupon are larger on the one examined than on those belonging to the said Carbajal bonds; and, lastly, the latter is identical with another coupon formerly received as false, which is found in one of the volumes of the respective report.

With the foregoing the secretary believes it has given the report asked of it in the order of to-day.

Mexico, September 17, 1878.

FRANCO. RAMIREZ CASTAÑEDA (a rubric).  
*Third Official.*

## Copy of coupon.

[Translation.]

The United States of Mexico and States of Tamaulipas and San Luis Potosi will pay to bearer thirty-five dollars, for six months' interest, due September 1st, 1874, on bond No. 3374, for \$1,000.

JOSÉ M. J. CARBAJAL.

No. 370.

*Mr. Foster to Mr. Erarts.*

No. 803.]

LEGATION OF THE UNITED STATES,  
Mexico, October 8, 1878. (Received October 29.)

SIR: In my dispatch No. 802, of this date, I refer to the general foreign debt of Mexico in connection with information furnished therein concerning the Mexican bonds sold in the New York market and now in the hands of American citizens. As it is believed that an exhibit of the foreign indebtedness of the republic and the treatment of the bondholders

by successive governments would enable American holders of Mexican bonds to form a more correct estimate of the value of their own securities, I have thought proper to prepare such a statement for the use of the Department.

The foreign debt of Mexico is of two kinds: 1st. That arising from loans negotiated through the sale of government bonds; and, 2d. That originating mainly in claims of various kinds held by citizens and corporations of other nations which have been made the subject of direct treaty stipulations or indirect diplomatic intervention. The first class embraces the loans made in London in 1823, now aggregating, principal and interest, say \$83,800,000, and the loan negotiated in New York in 1865, aggregating \$2,746,630. The second class includes various American, English, Spanish, and French convention and other recognized foreign indebtedness, amounting at present, principal and interest, to, say, \$40,300,000. So that the total foreign debt of Mexico may be estimated in round numbers at \$131,900,000.

This estimate is reached by taking as a basis the report prepared by Hon. Manuel Payno in 1862, by order of the government, with a revision thereof made by Hon. Matias Romero, Mexican minister in Washington, and sent to the State Department in a note dated February 27, 1866, and adding thereto the present amount of the New York loan of 1865, and the balance due under the American claims convention of 1868. Such estimate omits altogether the debts and claims arising out of the Maximilian Mexican Empire, which, according to Mr. Romero's statement, amounts to over \$190,000,000 additional. But as this latter debt has never been recognized by the republican government, I leave it out of the calculation entirely. The following table shows the recognized debt in detail, accepting the Payno-Romero estimate of the European indebtedness made in 1862:

<b>British:</b>	
London loan of 1823 .....	\$51,208,250
Convention claims, &c .....	4,871,614
Interest due in 1862 .....	13,231,793
<b>Total British debts .....</b>	<b>69,311,657</b>
<b>Total Spanish debts .....</b>	<b>9,460,986</b>
<b>Total French debts .....</b>	<b>2,859,917</b>
<b>Sixteen years' interest to date, at \$2,760,022 per annum .....</b>	<b>44,160,352</b>
<b>Total European debt .....</b>	<b>125,792,912</b>
<b>Carbajal-Corties bonds, 1835 .....</b>	<b>2,746,630</b>
<b>American claims awards, balance .....</b>	<b>3,375,123</b>
<b>Total foreign debt .....</b>	<b>131,914,665</b>

To attempt to give in detail an account of all the European debts embraced in the second class, those arising mainly out of personal claims, would make this dispatch entirely too lengthy. It is a history which would embrace the brief war with France in 1838, and the more important intervention of England, France, and Spain in 1861, as these claims were the main cause or pretext which brought about the tripartite convention of London of 1861, and resulted in the French occupation and Maximilian empire which was overthrown in 1867. The history of the Mexican foreign debt is one of brief intervals of interest payments, brought about by spasmodic efforts to re-establish its lost credit, or by the constraint of some foreign power, and these intervals succeeded by long periods of suspended payments and wrangles with the creditors,

resulting in new arrangements and funding of accumulated interest, and these arrangements soon followed by new suspensions of interest payments. Almost all these suspensions and failures are directly traceable to the disorders and bankruptcy of the treasury occasioned by the rapidly repeated revolutions, rather than to the deliberate bad faith of the government.

In 1861, by a decree of Congress, the payment of interest on all the foreign debt was suspended for two years, although very little interest had been paid since 1854; and since 1861 the Mexican Government has paid no interest on any of its foreign debt up to the present, the transactions under the Maximilian empire not being taken into account.

A sketch of the London loans of 1823, which is the oldest and most important of the debts, will best illustrate the treatment which the foreign creditors have received from Mexico. This debt arose out of two loans placed directly by the republican government upon the London market in 1823, each for \$16,000,000, or a total of \$32,000,000, at 5 and 6 per cent. interest respectively, on which the government only realized at the time \$11,800,000. The bonds were secured by the pledge of one-third of all the customs receipts of the Gulf ports.

The bankruptcy of the Mexican financial agents in London and the poverty of the national treasury in a few years brought about a failure to pay the interest, and in 1831 there was an accumulation of four years' unpaid interest. In that year an arrangement was made with the bondholders whereby the interest was "capitalized" by the issuance of additional bonds secured by one-sixth of the customs of the Gulf ports.

But soon thereafter, owing mainly to the revolutions which followed, the interest was defaulted, in whole or in part, from year to year till 1837, when a new arrangement was made with the creditors, and a second "capitalization" of interest took place, with the additional security of the pledge of the public lands.

Not long after this "capitalization" the interest again failed to be paid, and so continued until 1842, when a third arrangement was made with the creditors.

In 1846 the renewed failure to pay the interest made a new convention necessary between the bondholders and the government, by which new bonds were issued, discounting the old issue 10 per cent. and the accumulated-interest bonds 40 per cent.; and to the former security already pledged was added a guarantee of the duty on the exportation of silver and the internal tobacco tax, which afforded the bondholders a superabundant security if possible of realization.

This arrangement was afterwards resisted by the government, and the American war coming on the interest was defaulted till 1850, when a fifth convention was made, whereby the principal and interest were again consolidated into a new issue of bonds, with a reduction of the rate of interest to 3 per cent., a pledge given of 30 per cent. of all the customs duties of the republic, and provision made for a sinking fund for the redemption of the bonds.

As the interest did not continue to be paid with punctuality and afterwards ceased altogether, and the customs duties were not appropriated as pledged, in 1857 a modification of the convention of 1850 was made, whereby the bondholders were authorized to appoint agents at the ports to receive the funds from customs set aside by the convention of 1850.

But the revolution of the Reform continued to interrupt the payments of interest, and in 1859 and in 1860 two formal agreements or treaties were made by the Juarez Government with British official representatives having in view the concession of additional securities to the bond-

holders and more strict supervision to make sure that the customs duties pledged should be faithfully appropriated to the payment of interest. But the continued state of revolution in the country made these arrangements fruitless to the creditors.

In 1861 a formal treaty was signed by Señor Zamacona (now minister to the United States) with the British minister in Mexico, making still more stringent regulations to secure the rigid appropriation of customs receipts to the payment of the interest; but this treaty was not approved by the Mexican Congress.

On the 12th of May, 1862, another treaty was signed by the Juarez government with the British minister, reaffirming the former conventions, and, in addition, under specified conditions, in case the authorities in any of the ports failed to account for and pay over the duties pledged for interest, giving the British Government the right to enter and take possession of said ports with military force, and collect and appropriate the duties. This treaty was ratified by the Mexican executive under its "ample faculties," but was not accepted by Great Britain, owing to its relations under the tripartite treaty of London.

From this rapid sketch, it appears that the London loan made in 1823, owing to the repeated and almost continuous failure to pay the annual interest, has been the subject of ten separate and distinct agreements or conventions, some with the bondholders directly and others with the British Government, which sought to interpose its authority to secure to its subjects the funds which had been solemnly pledged to them, and which were being continually diverted by the Mexican Government to other purposes. Señor Payno, in the official report already referred to, in speaking of the disastrous effects of such a policy, uses this language: "The English debt, as well as others which we have with foreigners, instead of diminishing increases every year; so that the funds which are set aside in the custom-houses \* \* \* become sterile at the end of the year; because, by not paying the interest with punctuality and the part stipulated for the redemption of the capital, neither the credit of the republic improves nor can the creditors depend with certainty on any receipts; and in the following year further arrears accrue, which render it more and more difficult to cover as time proceeds. This system, which has augmented the sum of eleven millions we received to something more than sixty-two millions [now more than eighty-eight millions], for which we are at present indebted, will carry us on to ruin."

The last convention made directly with the London bondholders was in 1850. Those referred to as subsequent to that date (with one exception) were conventions or treaties exacted by the British Government, having in view measures to make effective the terms of the convention of 1850. From the date of this convention up to 1862, of the twenty-three semi-annual dividends due, only six have been paid, and from 1862 to the present date, sixteen years, none of the dividends have been paid. The debt under the convention is as follows:

Principal .....	\$51, 208, 250
Interest due .....	37, 638, 055
Total of London debt.....	88, 846, 305

for which the Mexican Government received in net proceeds, in 1823, \$11,800,000, the balance of \$77,046,305 being made up of discount and accumulated interest.

From the foregoing statement of the many changes and new arrangements to which the London loan has been subjected, we can appreciate



the pertinence of the reflection made by the Mexican commissioner, Señor Payno, as follows: "We do not know if it happens the same in all parts of the world; but, in Mexico at least, matters of business never are what they are represented, nor are they carried out, continued, or realized as they appeared in the beginning, but suffer more metamorphoses than those of Ovid."

The London bondholders have made repeated representations both to the Executive and the Congress of Mexico, since 1867, to obtain a new recognition of the debt, and such an adjustment as will secure the resumption of the interest payments. Notwithstanding the most intelligent and liberal of the public men of the country recognize the justice of these representations, and the necessity of making some arrangement in order to re-establish their lost credit abroad, nothing has up to the present time been done in that direction. The recent quotations of the bonds in the London market were  $7\frac{1}{4}$  to  $7\frac{3}{4}$  cents on the dollar, on the 1851 bonds, and  $3\frac{1}{2}$  cents on the 1864 bonds.

The other European debts have received much the same treatment on the part of the Mexican Government since the decree of suspension in 1861. No interest has been paid upon them, and while they continue to be recognized in the reports of the finance department, no provision is made toward the payment of either principal or interest.

It is shown in Señor Payno's report (p. 322) that in 1862 the entire customs revenues, excepting ten per cent., being the cost of collection, had been pledged for the various foreign debts. When it is remembered that the customs receipts are the main dependence of the federal government for its current expenses, the folly and impossibility of executing such a guarantee are apparent. Yet, notwithstanding this was made clear in Señor Payno's report, in 1865, when the government placed its Carbajal-Corlies loan on the New York market, it pledged again sixty per cent. of the receipts of the ports of Tampico and Matamoros, which, according to Señor Payno, had already been pledged to their full value. And, as I noticed in my dispatch No. 802, on the Carbajal bonds, in 1868 it guaranteed twelve per cent. more of the receipts of these and other ports of the Gulf to the Mexican Railway Company; in 1873 eight per cent. more to the International Railroad of Texas; in 1874 the same eight per cent. to the Catorce Railroad Company, and a few months later the same eight per cent. to the Central Railroad Company. Although the last three enterprises proved to be failures, the action of the government in making these assignments of its revenues, already transferred, illustrates the prodigality and want of foresight which has marked its conduct in the treatment of its plighted faith and public credit. On this point the government commissioner, Señor Payno, says: "The want of foresight, the spirit of innovation, and the evil of enacting laws without meditation or judgment, has been and is an old standing evil in this republic. \* \* \* From that period (1821) to the present we have marched on in incessant revolutions without fixed laws, without order, hanging on a thread, and acting without any established principles."

In my dispatch No. 802 I have alluded to the action of the Mexican Government in the purchase of bonds of its foreign debt at the depreciated prices to which they had fallen, owing to its long-continued default in payment of interest. These transactions were made the subject of several dispatches from this legation to the department in 1868, wherein they were denounced in strong language as contrary to sound policy and public good faith. The first of these purchases was made in 1868 and 1869, and a considerable sum of money was appropriated by Congress, in the expectation that in this way the foreign debt could be

largely reduced on very cheap terms to the nation. But the usual fate of most financial schemes in this country awaited this one, as revolutionary movements and an exhausted treasury very soon put an end to the operations for want of funds. In those years the bonds taken up embraced the English Convention debt, the London loan, the American Carbajal bonds, and possibly others. The purchases were, however, resumed within the past year, and were confined to the Spanish Convention debt. The subject having been noticed in the public press, the government official journal, the *Diario Oficial*, of the 27th of April last, in a lengthy article, entitled "Redemption of the Public Debt," defended the action of the government in these transactions as a wise expenditure of public money, and, among other arguments, shows that the purchases of 1868-'69 were at the rate of 18½ cents on the dollar, while those of the past year were at the rate of 4 cents only! It does not seem to have occurred to the Mexican officials that this good bargain, of which they make public congratulation, was accomplished by ten years' additional default in meeting its own solemn obligations.

It is a question of interest to the holders of Mexican bonds, a part of whom are, as I have shown, American citizens, to form some estimate of the ability and probability of the payment by Mexico of its foreign debt, or at least of the resumption of its interest. A debt of \$130,000,000 is not an excessive burden for nine millions of people, even if it had to be paid in full; but there is reason to believe that it might be reduced from 25 to 50 per cent. by agreement with the creditors if any reliable assurance could be given of certain and regular payments of interest in the future. But it may be safely predicted that if the country is to be afflicted by a revolution every few years, as has been its past history, there is little or no probability that either principal or interest will be paid. With peace and good government, prosperity and competence would gradually return, and the marvelous natural resources of the country could be developed in such measure as to afford the government the means, in time, of re-establishing its foreign credit. But justice to Mexico requires that it should be stated that at present the government is in no condition to resume the full weight of its foreign obligations. The incessant march of revolutions, as Señor Payno expresses it, has consumed the wealth which the colonial order accumulated, paralyzed business and public enterprises, disorganized the economic regulations of the government, and corrupted the revenue collection, and left the country impoverished to an extent hardly equaled in any other Spanish American country. The statistics of the exports of Mexico compared with that of other countries show, that while the amount per capita of the population in Mexico is a little over \$3, for the Central American States it is \$6.30; for Cuba, \$66.60; Porto Rico, \$13.80; Hayti, \$15; San Domingo, \$5; Venezuela, \$9.60; Peru, \$14; Chili, \$18.60; Argentine Republic, \$25; Brazil, \$10.50.

The national treasury is just now in no condition to assume obligations additional to the ordinary and necessary current expenses of government. It has recently been compelled to suspend temporarily the payment of the salaries of the executive and judicial officials on account of the absence of receipts to pay them. It is now owing the United States over \$3,000,000 under the late claims convention, and to the Mexican Railway Company, say, \$2,000,000, and as it appears to act upon the principle of paying the debts last contracted in preference to the old ones, these two are likely to receive attention first, and in the present and prospective state of public affairs and of the treasury, it is a serious question whether it will not be thought necessary to continue its default on the payment

of the last-named of these two. The prospect, therefore, for an early resumption of the payment of interest on the foreign debt does not appear to be very flattering.

I have not taken into consideration in this dispatch the large interior debt of the country, which, in addition to the funded part, is made up of a large amount of unadjusted claims, which increase enormously with each succeeding revolution.

I am, &c.,

JOHN W. FOSTER.

---

No. 371.

*Mr. Foster to Mr. Erarts.*

No. 805.]

LEGATION OF THE UNITED STATES,  
*Mexico, October 9, 1878. (Received November 6.)*

SIR: In my No. 804, of this date, I refer to the visit of Señor Zamacóna to Chicago, to address the manufacturers and business men of that city on the development of commercial relations between the two countries.

The association of manufacturers, under whose auspices he made his address, has invited me to give them any views I may have gained during my residence in the city of Mexico on this subject. As there appear to exist in the United States very indefinite ideas and imperfect knowledge as to the commercial relations of the two countries, I have thought that I could render a service of some value to my countrymen by responding to this request of the Manufacturers' Association of the Northwest.

I have, accordingly, prepared a paper, addressed to the president of the association, which, if it meets with your approval, I have to request that you will cause to be forwarded to its address. I also inclose a copy for the use of the Department.

This paper embraces three subjects:

First. The means of communication and the prospects of a railroad connection with the city of Mexico. I show that our government can do something towards the improvement of the communication with Mexico by steamships, but that without an international railroad to this capital no considerable trade can be maintained. I then establish the following points: 1st, that the Mexican Government will not consent to any treaty stipulation or other agreement between the two governments for the joint protection of such a road, and that it requires all persons, employes and capital of the company formed for that purpose, to become Mexican for all purposes of the enterprise; 2d, that the last Congress positively refused to grant a charter for an American company and the present Congress has manifested the same opposition; and, 3d, that the Mexican Government is absolutely unable, owing to its financial condition, to pay any subsidy for the construction of the road.

Second. I refer to the tariff and trade regulations of Mexico. On many important articles desirable to introduce from the United States the tariff is prohibitory, and on most others it renders them luxuries with a very limited population as consumers. Interior duties, depreciated currency, heavy rate of exchange, long credits, &c., present great obstacles to American trade.

Third. The revolutionary condition of Mexico has—1st, impoverished the country to such an extent as to render it impossible to sustain a

large foreign trade; 2d, caused such general insecurity and disorder as to render life and property unsafe; and, 3d, made the contraband trade so prevalent as to completely unsettle honest commerce.

I am, &c.,

JOHN W. FOSTER.

[Inclosure 1 in No. 805.]

*Mr. Bowen to Mr. Foster.*

THE MANUFACTURERS' ASSOCIATION OF THE NORTHWEST,  
*Chicago, August 23, 1878.*

DEAR SIR: Please find herein cards of invitation to the reception tendered his excellency, the Mexican minister, by the Manufacturers of the Northwest, and we should be pleased to see you, but distance no doubt will prevent.

We feel disposed to do some business with the citizens of the Republic of Mexico, as Chicago produces many articles it seems to me consumed there, and I shall be pleased to have any views you may have gained, during your residence in the city of Mexico, on that subject.

I am, dear sir, &c.,

GEO. S. BOWEN.

[Inclosure 2 in No. 805.]

*Mr. Foster to Mr. Mason.*

LEGATION OF THE UNITED STATES,  
*City of Mexico, October 9, 1878.*

DEAR SIR: I have to thank your association for the invitation which its committee sent me to attend the reception tendered by it to his excellency, M. de Zamacona, Mexican minister to the United States.

Had my official duties permitted, it would have afforded me the greatest gratification to have united with the citizens of Chicago in their welcome to their distinguished guest, whose friendship I so highly esteem, and whose position in the very front rank of Mexico's public men I so well know.

Being deprived of that pleasure, I have sought some compensation in carefully reading the detailed accounts of his visit, and especially those which related to the main object of the reception—the impartation of information and the development of suggestions and methods whereby the commercial relations between the two republics may be enlarged and improved.

I have read them with the more attention, because it is a subject in which I have, ever since my residence in this country, been deeply interested and to which I have devoted much inquiry and thought.

Señor Zamacona and I began our residence in the respective countries at the same date. I have been gratified to see the enthusiastic impressions he has formed of the possibility of increasing and making important and valuable our international trade. I came to Mexico with the same exalted ideas of the development of this commerce, and have omitted no proper opportunity to express my hopes both at home and in Mexico, of the realization of so desirable an object; and I still entertain the same earnest desire that it may be accomplished, because I regard it as the most potent and beneficial method of preserving peace on the always disturbed border, of cementing and making lasting our political and social friendship, and of aiding each other in the maintenance of our republican institutions.

But in complying with the request which your association has made to me to communicate to it "any views which I may have gained during my residence in this country," while Señor Zamacona has been more and more impressed in the United States with the possibility of this enlarged commerce, I regret to say that I, on the contrary, have been constantly learning of obstacles and encountering hazards thereto. He is to be commended for the warm interest which he has manifested in the encouragement of trade between the two countries, and I am proud to call myself an humble co-laborer in his work; but when called upon by my countrymen, before embarking in a great enterprise, to give them the benefit of the information which I have obtained as their representative, in regard to that enterprise, it is my duty to speak frankly and not conceal that which may be unpleasant to some, if the information sought is necessary to a full understanding of the enterprise in contemplation.

In Hershey Hall, and during his visit to Chicago, Señor Zamacona spoke of flattering expectations, of enlarged trade and a prosperous commerce, while I must necessarily

write, in part, of difficulties, embarrassments, and dangers; so that I cannot hope for such a cheerful welcome. But it is just as important to the prudent manufacturers and business men of Chicago to know something of the latter as to be entertained by the former. And though my figures, facts, and details may appear to the general reader somewhat dull and prolix, I think I may safely count upon the careful attention of those who are thinking of embarking in the Mexican trade, for these latter desire all the *practical* information attainable.

In examining and deciding upon a new and foreign field of commercial enterprise, there are three points especially about which business men desire information: 1st. The means of reaching the new market, and, if defective, the possibility of improvement in the ways of communication. 2d. The tariff, trade regulations, laws and practices to which they will be subject in the new field. 3d. The protection which will be afforded to their persons and their property in that country.

The first of these was the prominent subject discussed in the Hershey Hall meeting; the third was briefly referred to; but the second was not even mentioned. I will confine this paper to these three points, treating them candidly, and supporting every statement which I may make with official or incontestable facts and figures, obtained during a residence of more than five years in Mexico.

First, as to the means of communication with Mexico and the possibility of their improvement.

There is now a semi-monthly steamer leaving New York, and one every three weeks from New Orleans, touching at the important Mexican Gulf ports; also a steamer leaves San Francisco twice a month, touching at Acapulco, and once a month at other Pacific ports, and another every thirty-five days for Mazatlan and the ports of the Gulf of California.

In addition to these there are lines of schooners sailing from New York, New Orleans, Galveston, and San Francisco at irregular times, according to the demands of trade.

The steamers named all receive a subsidy from the Mexican Government, but no aid from the Government of the United States.

I had occasion nearly three years ago to refer to this point in some remarks which I made before the Chamber of Commerce of New Orleans, and to highly commend the wisdom and liberality of the Mexican Government, while I at the same time condemned the indifference with which our Congress had treated the matter. If that body would authorize the Post-Office Department to expend, say, from \$100,000 to \$150,000 annually in the improvement of our postal facilities to Mexico (which are a necessity to all commerce), the steam communication between the ports above named could be at once doubled, which would be all of the kind that is likely to be required for some years to come. The mercantile interests in the different ports of the United States, which are looking towards the Mexican trade, can exercise a great influence in procuring the necessary legislation from Congress.

But this will be only a partial and imperfect provision for meeting the necessities of our commerce, if we are ever to enjoy a permanent and valuable trade with Mexico. If anything was made apparent by the Hershey Hall reception in your city, it was that the *great want* of the two countries, in a commercial point of view, is an international railroad connecting this capital with the system in the United States. The government statistician, Mr. Nimmo, whose letter is published in full in the proceedings, says: "The *only way* in which any considerable commerce can be built up between the United States and Mexico, is by the extension of our railroad system from the Rio Grande to the city of Mexico." Señor Zamacona, in his address, used the following language: "The *most necessary feature* in building up commerce between our countries is the construction of an international railroad." The resolutions adopted, which sum up the practical results of the meeting, state: "That we regard the absence of lines of railroads \* \* \* as the *chief obstacle* to be overcome in developing, establishing, and increasing intimate commercial relations between the United States and Mexico." This is the universal belief in the United States, and my observation in this country leads me to concur heartily with this idea.

Such being an undisputed fact, let us examine the probabilities of the early realization of this "necessary feature," as Señor Zamacona justly terms it. So far as relates to the United States, the problem is soon to be solved. On the Pacific coast our enterprising countrymen have already virtually touched the Mexican frontier at Fort Yuma. In Texas our Southern railroad system has reached San Antonio, and a few months only would suffice to bring it to the left bank of the Rio Grande, if there were inducements to carry it across the border. Another line is speedily pushing southward through New Mexico, to connect the Mexican frontier with our central and northern system of roads. So that so far as the work to be done on American territory is concerned, it may be regarded as already virtually accomplished.

On Mexican territory all the work has yet to be done. When may we reasonably expect it to be begun, how rapidly carried forward, and when completed? The answers to these questions involve as many inquiries relating to the legislative and

financial ability of Mexico, not to speak of peace and stable government. These queries are: 1st. What legislation or character of charter is needed? 2d. What is the probability of obtaining it from the Mexican Congress? and, 3d. What aid by way of subsidy can Mexico give to that great enterprise?

In answering the first question, I will state that I have been frequently consulted, since my residence in Mexico, by American capitalists and business-men as to the possibility of obtaining a practicable charter from the Mexican Government for the construction of a railroad from the American frontier to the city of Mexico. When they have mentioned to me the terms of the charter desired they have almost invariably embraced a provision for a joint guarantee of protection to the capital and property of such a road by the two governments of the United States and Mexico, and in some instances that the United States should indorse the bonds or guarantee the credit which Mexico should give under the charter. The third and fifth resolutions of your Hershey Hall meeting seem to take the same view of the matter.

American capitalists cannot lose sight of the half century of disorder and revolution in Mexico, and there is a general conviction among them that they cannot safely invest their money in a large railroad enterprise in this country, unless the protection of the Government of the United States, by some treaty stipulation or other convention, goes with it.

I have unhesitatingly answered all these inquiries with the statement that the Mexican Government, in the present temper of its people, will not consent to any such condition. I could cite numerous evidences of this opposition, but it is so well known by all conversant with the spirit of Mexican legislation, that proofs of it would seem unnecessary. But to make it clear to the American reader, I give two instances.

At the last session of Congress, Senator Morgan, of Alabama, with the most friendly disposition possible toward Mexico, offered a series of resolutions in regard to our political and commercial relations. Accepting the prevailing view entertained by American capitalists, mentioned above, one of the Senator's resolutions was that "it is expedient to provide by treaty for the protection and encouragement of such citizens of either country as shall, with the consent of the Government of Mexico, build and equip a line of railroad from the city of Mexico to the Rio Grande," &c.

This resolution, being published here, was denounced as a proposition to establish an American protectorate over Mexico, with the ultimate aim of its annexation. But the Mexican Congress has made its disposition very clear on this point. In 1873, a contract was entered into by the executive with the International Railroad Company of Texas for the construction of a railroad to this city. That contract or charter contained provisions of absolute forfeiture in case of the transfer of any of the stock or alienation or hypothecation of any of the property or interests of the company to any foreign government or state; all the capital, shareholders, employés, and all persons connected with the company were declared Mexicans in all that related to the enterprise within the republic; nor could they maintain their claim as foreigners, "*even when alleging denial of justice.*" And similar provisions have been inserted in every railroad contract or charter made or proposed since that date with foreigners. None of these charters have been found available, and one of the reasons is very plain.

American capitalists are very loath to invest their money in Mexican enterprises without some greater security than has been afforded in the past, and especially are they unwilling to forswear their nationality for the sake of building a railroad in a foreign land, and to covenant in advance to renounce the intervention of their own government in case of a *denial of justice*, a privilege recognized by the general principles of international law.

2d. What is the probability of obtaining a charter from the Mexican Congress? If I have correctly interpreted the views of American capitalists it would hardly seem worth while to examine this second point, as the only charter which the Mexican Government proposes to give would appear valueless to American constructors.

But as there may be citizens of the United States who would be willing to accept a charter on the terms named, I will answer the question. There no doubt exists in Mexico a general feeling that railroads are the great necessity of the country. But the sentiment in favor of a railroad connection with the United States is by no means so prevalent. With the majority of her most intelligent public men a railroad from this city to the Pacific Ocean is held much more desirable, thus forming, with the present line to Vera Cruz, an interoceanic route.

There is a widespread, I will not say predominant, feeling that a railroad connection with the United States would lead to the destruction of the Mexican nationality and the ultimate absorption of the country by the United States; and the politicians understand this feeling so well that when the occasion serves them they never fail to appeal to it with marked effect in Congress. At its last session that body showed itself decidedly hostile to granting a charter for a railroad to the United States, even with the objectionable features cited above. The executive made a contract with an American combination for the construction of a railroad from this capital, with one branch to the American frontier and another to the Pacific, but it inserted a provision that the branch to the Pacific *should be completed before* the one to the frontier was commenced.

Notwithstanding this promise the charter was defeated in Congress by a decided majority, after which the lower house voted almost unanimously to confer upon the executive authority to contract for a line to the Pacific only. The reasons given for this action were the bad policy and danger to the country of conferring such privileges upon an American company, and of extending railroad connections to the United States.

The arguments presented by the principal speaker, Hon. Alfredo Chavero, one of the most experienced and influential men in the republic, were that "it was very poor policy, very injudicious to establish within our country a powerful American company"; that "it is a natural law of history that border nations are enemies"; that "nations of the north generally invade the nations of the south," hence "we should always fear the United States"; and he closed with the following appeal: "You, the deputies of the States, would you exchange your poor but beautiful liberty of the present for the rich subjection which the railroad could give you? Go and propose to the lion of the desert to exchange his cave of rocks for a golden cage, and the lion of the desert will answer you with a roar of liberty."

A new Congress, recently elected, convened in this city last month, and its first act was to elect the author of the above extracts president of the chamber of deputies, and in reply to the address of the President of the republic this gentleman took occasion to refer to the action of the previous Congress in rejecting the American charter, claiming that subsequent events had shown the wisdom of that action. If he represents to-day as fully the spirit of the present as he did that of the last Congress, and there is every reason to believe he does, the hope of favorable or of any legislation for a railroad to the American border must be postponed at least two years, if not indefinitely.

But it would seem that by the action of the last Congress a very important obstacle has been placed in the way of the construction of a railroad to the American frontier. After the defeat of the American charter referred to the Congress conferred upon the executive the power to make contracts with the governors of States or other authorities for the construction of railroads within their respective limits.

Under this authority the federal government has made thirteen different contracts and charters, and pledged government subsidies thereto. The charters cover the most important and valuable portions of the route to the frontier of the United States. It would be a source of congratulation and not of regret, to know that the Mexican authorities themselves had undertaken the whole, or an important part, of this great work, if there was any assurance that they would carry it forward to successful completion.

An intelligent Mexican engineer in reporting to the present Congress under date of the 17th ultimo, upon these charters, says that the most successful railroad construction ever accomplished by a Mexican company has been the building of one league (2½ miles) in twelve months, and that under the present auspices within fifty years one may be able to go by rail from this city to Queretaro (150 miles); and he pathetically adds: "We ourselves want to go; we do not desire to reserve that blessing for our grandchildren."

So that even if it should prove possible to obtain a charter from the Mexican Congress without the objectionable features which every administration and every Congress has for years past insisted upon, still it would be necessary to negotiate with the governors and legislatures of the different States to buy up or get out of the way the charters referred to.

3d. Let us inquire what aid Mexico can give by way of subsidy to the construction of an international railroad.

I take it for granted (1st) that the capital to build such a road must come mainly from abroad; and (2d) that no road can or will be built without a subsidy in some form from the government. I will have occasion to show in another part of this paper that Mexico is so impoverished by its long series of revolutions as to be utterly unable of itself to undertake any great work of public improvement; and it is a fact recognized by all intelligent Mexicans, that the capital for a railroad to the United States must come from or through our country.

A subsidy is necessary to induce any responsible company to undertake the enterprise. This might be asserted as a general principle, but it is especially the case in this instance, as the road must pass through long stretches of desert and unpopulated country. And after it is completed it will be some years before it will pay much, if anything, beyond the running expenses, as all the trade along the line has to be created, and the Mexicans are not hasty in conforming to new methods.

The experience of the only line of railroad now completed in the country fully confirms all these assertions.

The Mexican railway connecting the capital with the principal seaport, and running through one of the most populated and richest part of the whole republic, and a comparatively short line, has never been able to pay more than 5 per cent. upon its capital (while the greater part of the bonded and mortgage debt of the road bears 8

per cent.) even when the government paid regularly its subvention or subsidy, and as it has not paid the latter for more than two years and a half, and since the inauguration of the last revolution, it is now only paying 3 per cent. over its running expenses.

If a subsidy is necessary, what is the probability of obtaining it from the Mexican Government? In the contract made with the International Company of Texas, in 1873, to which reference has already been made, the government obligated itself to pay the company \$9,000 per kilometer (near \$15,000 per mile), and to secure the subsidy it pledged 8 per cent. of the customs duties of the principal seaports; and such, in the main, have been the terms it has been proposing to foreign companies for the past ten years.

It has in some cases either in lieu of, or in addition to, the subsidy offered a certain quantity of public lands; but as it has no public lands set off and determined by surveys, and as it is very probable that the greater part of the country where the public lands are said to be located are covered by some kind of private titles or grants, as the country has been occupied for more than three hundred years, I do not regard such subsidy as of sufficient value to be considered in the present estimate.

In dispatches which I have recently sent to the Department of State, copies of which I have no doubt interested parties could obtain on application, I have shown that Mexico owes in Europe a bonded and treaty debt with accrued interest of, say, \$125,000,000, and in the United States of \$2,700,000. For the payment of the European debt the government has already pledged the *entire available customs receipts* of its ports; and it subsequently pledged 60 per cent. of a part of the same customs to secure the American debt. It is true this government claims that it is released from the European pledge by the action of England, France, and Spain, in 1861-'62, but these nations do not concede that claim; and there is no question but that the pledge to secure the American debt is a binding obligation. Hence, the pledge of 8 per cent., or any other rate of the customs receipts, is an imperfect guarantee, whose validity might be disputed by powerful claimants. And, on the other hand, the ability of the government to pay any subsidy whatever is extremely doubtful, and, in case of new revolutions, its inability is absolutely certain.

It has not paid a single half-year's interest on its European debt for twenty-four years, and since 1861 it has not paid, according to its promises, a single dollar of interest thereon.

On the American debt referred to it has never paid a single semi-annual dividend of interest since the loan was made.

Besides, the condition of the national treasury is such that for more than two years and a half it has not been able to pay the subsidy pledged to the Vera Cruz and Mexico City Railroad Company, and there is now due said company on that account nearly \$2,000,000. The poverty of the treasury is such that it was necessary to suspend recently the payment of the salaries to the judges of the courts and the civil employés of the government.

Its straitened condition is shown in the fact that within the past month the government official newspaper announced that it was forced to appeal to the patriotism of the civil employés, both executive and judicial, to bear with patience the suspension of their salaries, as it had been necessary to send \$50,000 to the northern frontier to defray the expenses of a projected campaign against the Indians.

With such a state of the foreign credit and of the national treasury, it is hardly probable that the Mexican Government will be able or disposed to pay \$15,000 per mile for building a railroad which so many even of its intelligent public men believe will eventually result in their national ruin.

Having thus examined the subject of the means of communication with Mexico, I come to the next point of interest to the American merchants, manufacturers, and capitalists looking to this country as a new field of enterprise.

Second. The tariff, trade regulations, laws, and practices to which they will be subjected.

The two fields offered to them are especially those of mercantile business and mining. The first matter to examine in regard to the former is the Mexican tariff on imported goods. Our own American tariff is one which many of us think badly needs revision and reduction in important particulars, but that of Mexico is even more protective and prohibitory, and the absence of many provisions of our tariff by which the import trade is facilitated will be noted in that of Mexico.

The branches of industry for which this country is peculiarly adapted are mining and tropical agriculture; but its commercial legislation has had a direct tendency to oppress mining, and great efforts have been made to encourage manufactures, for which neither the people nor the country are particularly adapted. And this system will be found to be a great obstacle in the way of a flourishing trade with our country. I have selected from the Mexican tariff a list of some of the articles which the manufacturers and merchants of Chicago and other cities would seek to introduce into Mexico. It will be noticed that measurements and weights are by the French standard, but the figures can readily be brought to our standard, estimating a meter at 39 inches and a kilogram at 2½ pounds, which is approximately correct.



*Mexican tariff duties.*

Cotton goods:		
Domestics, unbleached .....	square meter..	\$0 09
Domestics, bleached .....	do .....	16
Calicoes .....	do .....	14
Thread, white .....	kilogram..	60
Thread, colored .....	do .....	96
Thread, spool .....	dozen..	14
Cassimeres and similar woolen goods .....	square meter..	1 40
Carriages, open and coupés .....	each..	176 00
Coaches, phaetons, landaus, &c .....	do .....	396 00
Buggies .....	do .....	132 00
Sulkies .....	do .....	66 00
Wagons .....	do .....	60 00
Harness for carriages, gross weight .....	kilogram..	2 00
Harness for wagons, gross weight .....	do .....	86
Furniture, 55 per cent. on invoice and 25 per cent. additional.		
Pianos, gross weight .....	kilogram..	43
Flour, net weight .....	do .....	10
Wheat, net weight .....	do .....	04
Barley, net weight .....	do .....	03
Rice, net weight .....	do .....	07
Hops, net weight .....	do .....	18
Hams, smoked, net weight .....	do .....	24
Meats, salt and smoked, net weight .....	do .....	24
Lard, net weight .....	do .....	14
Butter, net weight .....	do .....	24
Cheese, net weight .....	do .....	14
Candles, tallow, gross weight .....	do .....	08
Candles, stearine, gross weight .....	do .....	19
Candles, paraffine, gross weight .....	do .....	38
Crackers, gross weight .....	do .....	12
Canned fruit, cans included, net weight .....	do .....	50
Canned meats and fish, cans included, net weight .....	do .....	72
Pickles, jars included, net weight .....	do .....	48
Soap, toilet, gross weight .....	do .....	1 15
Soap, common, gross weight .....	do .....	30 to 91
Glass, common, gross weight .....	do .....	17
Gunpowder, gross weight .....	do .....	2 00
Nails of all kinds, iron, gross weight .....	do .....	12
Tools, iron, steel, or wood, gross weight .....	do .....	19
Clothing, ready-made, all kinds .....	per cent..	1 32
India-rubber clothing, gross weight .....	kilogram..	1 43
India-rubber shoes, &c., gross weight .....	do .....	43
India-rubber cloth for tables, gross weight .....	do .....	29
Oilcloth for floors, gross weight .....	do .....	29
Leather boots, yellow .....	dozen..	16 50
Leather boots, calf or morocco .....	do .....	27 00
Leather shoes, common, men's .....	do .....	7 00
Leather shoes, fine, men's .....	do .....	16 50
Leather shoes, fine, women's .....	do .....	17 00
Leather shoes, common, women's .....	do .....	5 50
Carpets, 2 and 3 ply .....	square meter..	20
Carpets, Brussels .....	do .....	95
Carpets, velvet .....	do .....	1 40
Cocoa matting, gross weight .....	kilogram..	16
Vinegar, barrels, net weight .....	do .....	5
Vinegar, bottles, net weight .....	do .....	10
Whisky, barrels, net weight .....	do .....	33
Whisky, bottles, net weight .....	do .....	34
Beer, barrels, net weight .....	do .....	10
Beer, bottles, net weight .....	do .....	20
Petroleum (cans included), net weight .....	do .....	9
Rosin, gross weight .....	do .....	25
Tar, gross weight .....	do .....	3
Salt, gross weight .....	do .....	3
Potatoes, gross weight .....	do .....	2
Onions, gross weight .....	do .....	2

There is on the tariff a free list, which embraces agricultural implements, engines, and machinery, including all kinds of mining machinery, tools, and supplies.

An examination of the above figures will show the importer that, at the entrance into this new field, he is met by a tariff which, on many articles, is much above the cost price. and, in some instances, would seem absolutely prohibitory on the classes of goods which he desires most to import. But when this tariff is paid, the costs and charges only commence. Formerly the federal government had four or five additional duties, but these have all been consolidated into the tariff (which is one cause of its high rate), and one other duty paid to the custom-house in this city of 2 per cent. on the tariff rate.

But there exists in this country the evil system of municipal and State duties on foreign goods. So that when they pass through the custom-house and pay the tariff another tax is laid upon them by the municipality when they leave Vera Cruz, and when they are brought into another State they have an additional import tax to pay the State. This latter tax, being levied by the State legislature, varies with each State. In the federal district, this city, it is only 2 per cent. of the maritime tariff, but in the adjoining State of Hidalgo it is 12½ per cent. of that tariff, and in others it is as high as 25 per cent.

This system of interior customs, besides being burdensome pecuniarily, is extremely annoying to the merchant, as in every instance the goods must pass through the local custom-house, be opened and examined, and the fees for handling, &c., paid. It is an evil recognized and acknowledged by the enlightened public men of the country. There is an express prohibition against it in the federal constitution, and the supreme court has pronounced against it, but "necessity knows no law," and gives very little heed to the demands of political economy or of trade. The States and municipalities are always hard pressed to raise enough money for current expenses, and in trying to solve this problem they find foreign merchandise one of the taxables most easily reached, and hence the State legislatures continue to set at defiance the constitution and supreme court of the country.

But this is not the only obstruction, after the payment of the duties, to the free access by the foreign merchant to this market. This government has never adopted any bonded system for the introduction of goods. Notwithstanding this city is the center of the principal wholesale trade of the entire central portion or table-land of the country, and is connected with its sea-port by a railroad, there is no provision for bringing the imports to this city and passing them through the custom-house and paying the duties here.

It has been the intention of the government ever since the railroad was opened to adopt measures for this purpose. And as a preliminary step it required the railway company to construct a mole at Vera Cruz, at an expense of near \$300,000, to enable the goods destined for this city to be transferred directly from foreign vessels to the cars; and notwithstanding the mole has been finished for more than three years it has never yet been used, for the reason that the people of Vera Cruz (a town of 12,000 inhabitants) regard it as injurious to their local interests. Hence, rather than displease a few hundred commission merchants, stevedores, and lightermen, who might have a pretext to "pronounce," the old system stands, and more than half of the nation and the foreign merchants must pay them heavy tribute. All foreign goods must, therefore, be regularly passed through the custom-house at Vera Cruz, to which end only twenty-four hours are allowed to verify the invoice and manifest, and involves the employment of a commission merchant, double handling of goods, opening and closing of packages, and various detailed expenses.

But this is not all. When safely through the gauntlet of the Vera Cruz custom-house and commission merchant, the duties paid, and the goods shipped to Mexico City, upon their arrival here they have to again go through the custom-house in this city, the packages be subjected to another opening, the local tax to be paid, and more charges for stamps, stevedores, &c.

In order to convey to your association an idea of the various taxes and charges to which foreign goods are subjected, I have caused to be prepared by experienced importers in this city an itemized list of the charges which are attached to actual shipments, from the time they leave New York till they reach the warehouse in this city and are ready for sale, as follows:

*Calculation of cost in Mexico City of one cask, weighing, gross, 325 pounds, net, 300 pounds, containing 300 pounds sugar-cured ham.*

New York cost, at 11 cents .....	\$33 00
New York expenses, such as cartage, consular invoice (\$4 gold), manifests, &c., average 5 per cent. on large shipment .....	1 65
Freight from New York to Vera Cruz, at 1 cent per pound, payable in New York .....	3 25
Exchange on New York on \$37.80, at 18 per cent .....	6 82
Import duties in Vera Cruz, 138 kilograms, at 24 cents per kilogram .....	33 12
Municipal duties in Vera Cruz, \$1.03 for every 400 pounds .....	84

Lighterage and handling from steamer to warehouse, \$1 to \$1.50 for every 200 pounds .....	\$1 63
Maritime brokerage, 2 per cent. on freight, \$3.25.....	07
Opening and closing barrel .....	50
Additional charges in Vera Cruz for stamps and cartage to railroad station, &c. ....	1 50
Commission in Vera Cruz, 2 per cent. on \$70.66 .....	1 41
Exchange in Vera Cruz, 1 per cent. on \$39.06.....	39
Railroad freight from Vera Cruz to Mexico, 140 kilograms, at \$54.32 per ton ..	7 60
Local duties in city of Mexico, 2 per cent. on federal duty, \$33.12.....	66
Local expenses in city of Mexico, cartage from depot, expenses in custom-house, &c.....	75
	<hr/> 93 19

One dollar in New York equals \$2.82 in Mexico.

Net cost of one pound of ham in the city of Mexico, 31 cents.

*Calculation of an invoice of nails.*

10 kegs 4½-inch cut nails, gross 1,060 pounds, net 1,000 pounds, at 2½ cents, cost in New York.....	\$22 50
New York expenses, consular invoice, cartage, &c .....	1 32
Freight from New York to Vera Cruz, 1,060 pounds, at 1 cent .....	10 60
Exchange on New York, 18 per cent. on \$34.42.....	6 36
Import duties in Vera Cruz, 480 kilograms, at 12 cents .....	57 60
Municipal duties, lighterage, cartage, stamps, opening and closing of kegs, and maritime brokerage .....	11 20
Commission in Vera Cruz, 2 per cent. on \$91.30 .....	1 83
Exchange on Vera Cruz, 1 per cent. on \$70.63.....	71
Local duties in Mexico, 2 per cent. on import duties .....	1 15
Local charges in Mexico, cartage, &c .....	1 20
Freight from Vera Cruz to Mexico City .....	27 17
	<hr/> 141 02

One dollar value in New York equals \$6.29 in Mexico City.

Net cost of 1 pound of nails, 14.16 cents.

Net cost of 100 pounds of nails, or 1 keg, \$14.16.

Omitting detailed charges, which have been carefully calculated as per above, I give the cost of the following additional articles imported from the United States, and with the items in the shipments already given calculations can be made on any of the articles in the foregoing tariff list:

One barrel of flour, New York, cost .....	\$6 00
Total charges .....	23 03
Cost in City of Mexico .....	29 03
\$1 in New York costs \$4.84 in Mexico.	
One box or barrel crackers, New York, cost.....	5 50
Cost in City of Mexico.....	20 06
\$1 in New York costs \$3.64 in Mexico.	
One barrel of salt, cost in New York.....	2 00
Cost in City of Mexico.....	20 04
\$1 in New York cost \$10.20 in Mexico.	
One barrel Milwaukee beer (cost on board steamer in New Orleans).....	13 00
Cost in City of Mexico.....	35 61
Furniture, wardrobe, bed, New York, cost.....	121 15
Cost in City of Mexico.....	249 10
Oil-cloth ½ wide, New York, cost per square yard .....	45
Cost in City of Mexico, per running yard (33 inch).....	3 08

Railroad freight, the important item of charges next to duties is as follows (distance 263 miles), per ton: 1st class \$76.05; 2d class \$65.18; 3d class \$54.32. Freight by passenger trains, per ton \$97.77.

A hasty study of the foregoing figures as to duties and charges will not fail to convince the merchants and manufacturers of the United States that the articles which they most desire to export to Mexico must be *luxuries* in this country, on account of their high price.

This would be the case, with such charges, in almost any country, however rich it might be or however high the price of labor; but it is especially so here where there is so much poverty.

It would be a large estimate to place the number of inhabitants of Mexico who would be consumers of goods imported from the United States at 1,000,000 souls, with the present duties and charges.

Of the articles on the free list, engines and machinery, especially for mining, and agricultural implements might be largely imported from the United States but for two reasons. In the case of machinery the cost of transportation is so enormous that the demand is necessarily limited and must continue to be until means of communication are facilitated and cheapened. To the railroad freights to this city must be added the still higher charges to the interior, over roads which, owing to revolutions and bankrupt treasuries, are almost completely abandoned. In the case of agricultural implements their use is little understood, and the laborers are very slow to accept them. The pattern used 3,000 years ago on the plains of Asia is that which generally prevails in this country. But time will gradually create a demand for the improved styles.

Illinois and adjoining States are the natural places of supply for the entire Mexican Gulf coast for provisions and breadstuffs, and, but for the tariff, a large trade could be sustained in flour, bacon, lard, &c. But the figures on flour which I have given, and the duties on meats and lard, show that the tariff is virtually prohibitory. Notwithstanding this city is located between, and only 30 or 40 miles from, two of the best wheat-producing valleys in the world, and not more than 60 miles from excellent hog-producing regions, Chicago could successfully compete with them for the consumption of this city in flour, smoked meats, and lard, even with the high freight and charges, but for the tariff. The average price of wheat in this city in large quantities is from \$2 to \$2.40 per bushel, and the retail quotations are: Flour, 25 pounds, \$1.75; hams, sugar-cured, 50 cents per pound; lard, 25 cents per pound.

Another tax upon foreign trade has doubtless been noticed in the items of charges given in the rate of exchange. The business of this country is exclusively carried on in a depreciated currency, silver, so that to all prices and quotations here the cost of exchange must be added, which for some time past has ruled at 18 per cent. on New York. This is made up of 10 per cent. for discount on silver, 5 per cent. for government tax levied on the exportation of the metal, and 3 per cent. for freight, insurance, and other charges required to place it in New York.

There is another serious impediment to the establishment of an extensive American trade with Mexico, and that is the system of long credits in universal practice here. The interior merchants who come to this city always buy on credit, which is usually fixed at eight months, with no interest added, and often runs to ten or twelve months. It is not so serious an objection to the German importer who has good connections and credit in Europe, where he can command unlimited capital at very low rates of interest and long time, but to the American merchant, who must conform to the shorter credits and higher rates of interest prevailing in the United States, it will be found a serious objection.

There is also an inconvenience arising from the want of the free transmission of money from the interior to this city. The currency being entirely silver is bulky, and, owing to the insecurity of the roads, can only be safely sent in the "conductas" or large trains escorted by strong guards of federal soldiers. And these "conductas" only come from Zacatecas and intermediate cities, say every three to five months, and the merchants must await their arrival to receive remittances.

I have referred to the fact that there is no bonded system by which imported goods can be brought to this city and passed through the custom-house and duties paid here. Another fact which it is also important for the importer to know is, that there is no bonded warehouse system under the Mexican tariff laws; and hence all goods must pay the duties when imported, one month being the limit allowed for adjusting all questions of difference and payment.

I have made the calculation of duties and charges on American goods laid down in this city only. But, as already stated, this is not the end of custom-houses and duties. When the goods are sold to go into a State in the interior they must be sent out of this city under very much the same formalities with which the consular invoice, &c., attach when shipped from New York, and when they reach the State or city where sold they have to go regularly through the interior custom-house, be subject to opening of packages, examination, handling, &c., and duties, charges, stamped paper, &c., to be paid.

But I have probably been sufficiently explicit on the first part of this second general head as to tariff, charges, &c., so far as relates to merchandise. Let us now examine the second branch of business which is presented to American enterprise and capital—*mining duties, charges, &c.*

Although not an expert, yet, from the testimony and experience of American mining engineers and practical miners, I am satisfied that this country offers to American capitalists a rich and profitable field of investment in silver and gold mining, if the two essential requisites of expenses and protection should prove favorable. The question of protection will be considered under the third general head of this paper.

This subject of mining as an investment for American capital, and the taxation at

tending it, was discussed by me at some length in some remarks which I made before the chamber of commerce in New Orleans in 1875; and as the state of affairs relating to mining has not materially changed since that date, I can best quote from that address:

"The chief source of the wealth of Mexico consists in its mines, mainly of silver. Throughout almost the entire republic these exist; their richness has been known to the world for more than three centuries, and they are as yet apparently inexhaustible. As already stated, the total exports of all articles for the last year reported over \$31,600,000, of which amount \$25,052,969 were silver and gold, the latter less than \$1,000,000."

NOTE.—The exports for 1876–77 decreased to \$28,700,000, and that of silver and gold to, say, \$23,000,000.

"The general report as to this interest is that it is not at present in a very flourishing condition and that the working results are not very satisfactory or profitable, although this is subject to some exceptions in special localities. In general the country has not availed itself of the new methods and improvements in mining adopted in the United States, and as a consequence it labors under disadvantages in the amount of yield and profit in working.

"But the great hindrance to successful mining has been in the onerous taxes which the local and federal governments impose upon it, and the expense of getting the silver bars and coin out of the country. In 1868 the taxes and costs of transportation upon silver sent to the Bank of England from Mexico City, or rather from Real del Monte, the nearest mineral region and one of the most extensive in the country, were found to amount to 25 per cent., of which over 20 per cent. was local and government taxes.

"This was so manifestly oppressive that a commission was appointed by the government to investigate the subject, and this commission proposed as the sole means of rapidly raising this branch of industry to the grade of prosperity to which it is immediately susceptible, the absolute exemption of gold and silver from all duties.

"This wise recommendation has been in part, but, unfortunately, only in part, acted upon. From a careful examination of the present condition of the restrictions and charges upon the exportation of silver, I find that it costs, to place the silver produced at the Real del Monte mines in the Bank of England or in New York, 13½ per cent., and from Guanajuato or other points in the interior from 14 to 15½ per cent. Of this sum from 10½ to 12 per cent. are local and government taxes and charges.

"The necessities of the national treasury have, to a great extent, led to the adoption of these heavy duties, as its finances have continued through so many years of civil disturbances in a deplorable condition, and mining, being the leading source of wealth and most available for taxation, has been made to contribute liberally to carry on the government, both of the regular administration as well as of insurrectionists. But with the return of peace and a stable government, intelligent public men recognize the bad policy of taxing the life out of this important branch of industry, and as prosperity develops an ability to provide revenue by other methods, it is most probable these burdens upon mining will be greatly lightened."

It is to be greatly regretted in the interest of Mexico that these hopes of relief to this important industry have not, up to the present time, been realized. The revolution which occurred in 1876 disappointed the expectation of an era of peace, overthrew the government, and has, on account of the condition of the national finances, prevented the modification of taxes and the repeal of the export duty on silver. Sr. Romero, the intelligent minister of finance, has urged at every succeeding session of Congress the repeal of this duty, and shown its oppressive influence upon the country, but to no purpose.

I give below the table of charges on silver, prepared by me in 1875, and they have undergone no material change.

*Statement of the charges on silver produced in the mines near Mexico City (say in the Real del Monte district), from the mine to the Bank of England.*

	Per cent.
Freight from mine to mint of Mexico, including escort.....	0.75
Charge for converting bars into dollars, &c., which is made whether bars are coined or not, charge 4.41 per cent.....	4.50
Further charges for assay, municipal duties, loss on silver in bad minting, &c Agents' commission in Mexico.....	1.00
Boxes, packing, and petty charges, including stamps, &c.....	25
Freight from Mexico to deck of steamer.....	12½
Export duty.....	50
Ship freight to London.....	5.00
Insurance, Mexico to London.....	50
Agents' commission in London, ½ to 1 per cent.....	62½
Minimum charge on bars exported from this district.....	25
	13.50

	Per cent.
Brought forward .....	13.50
To which must be added a further charge on bars from the interior; a circulation duty charged by certain states, in some $1\frac{1}{2}$ per cent.; in one up to $1\frac{1}{2}$ per cent., and another freight costing from $\frac{1}{4}$ to 1 per cent., say an average of .....	2.00
Average charge on bars from the interior .....	15.50

The above does not include local taxes on mines or redaction works. Gold pays only one-half per cent. export duty. Bars, part gold and silver, are subject to very high charges for separating if that is done in Mexican mints. As this charge varies with the percentage of gold it is impossible to estimate the exact loss to the Mexican miner, but it is heavy. If done abroad the miner loses the expense of sending it, insurance, &c., and at least three months' interest.

The Mexican mints only separate gold when it contains 16 grains of gold per mark (8 ounces) of silver. In England above 4 grains is extracted. Some Mexican mints are not provided with the means of separating gold and silver. In consequence they mint dollars that contain gold. Guadalajara and Durango dollars are about 2 per cent. better for export than Mexico or Guanejuato dollars on this account; Oaxaca dollars 4 per cent. better.

	Per cent.
Charges on silver brought over .....	15.50
As most Mexican silver contains gold for reasons given above, one must estimate the loss on the whole production of the precious metals at, at least .....	3.00
Estimated loss on production between duties collected and heavy mint charges, &c., without taking local taxes into account .....	18.50

*Instance.*—The State of Hidalgo has, by a decree, assumed possession of one twenty-fourth share in each new mine commenced after date of the law; that is, they will take one twenty-fourth of the profits, \$4.25.

The local taxation of the State of Hidalgo (Real del Monte district) has recently undergone some changes. One of the thirteen railroad contracts to which I have referred was made with the State of Hidalgo; and the legislature, in order to raise money to inaugurate that enterprise, levied an additional tax so burdensome on the mining companies that they all resolved to suspend their works and close up their mines entirely. As this would have resulted in a revolution and was so manifestly oppressive, the governor has caused a modification of the tax, and compromised with the leading companies by the payment of a round sum by them, so that I cannot give the exact condition of the local taxes in that State at this date.

This incident illustrates some of the annoyances to which mining in Mexico is subjected.

Trusting that the foregoing facts and figures in reference to merchandise imports and mining may prove of some value to those of my countrymen who are seeking information as to this country as a field for American enterprise, I pass to the consideration of the third and last part of this paper.

Third. The protection afforded to persons and property in Mexico.

Commerce flourishes only under the guarantees of peace and order, of stable government and the reign of impartial law, which afford safety to the individual and the recognition of the sacred rights of property. I need not impress this declaration upon the business men of Chicago, who know that these conditions are the first and essential requisite to trade and industry.

It will, therefore, avail nothing how I may have answered the first two questions, as to the means of communication and trade regulations, if I cannot give you favorable and satisfactory information in regard to this third point. And as it is the most important subject to be treated, so, also, is it the most delicate. But as you desire, as practical business men, to have facts and realities and not theories and generalities, I must frankly give you the state of affairs, as my residence in the country has shown it to me, so far as the objects of your contemplated enterprise in opening up trade with the country is concerned.

The subject of protection to person and property, relating especially to trade and commerce, necessarily compels a reference to the revolutionary condition of the country. I will not attempt a historical sketch of the many changes of government since the independence. Its revolutionary condition is known to the world and lamented by all friends of republican institutions. Its own people recognize this as its greatest evil and the chief cause of its many disasters and embarrassments. I only design to refer to the revolutionary state of the country in its commercial aspects. And this will lead me to examine, 1st, into the effects which the revolutions have had upon the resources of the country and upon its capacity to sustain a large commerce with other countries; 2d, the public security and the enforcement of law and order; and 3d, the

derangement of business and the incentive and facility to contraband trade which revolutions afford.

No person can visit Mexico without being struck with its marvelous natural resources, its fertility of soil, its genial climate, and its capacity to sustain a large population and extensive commerce. The motto of its patron saint is a recognition of these gifts and capabilities: "*The Lord hath not dealt so with any nation.*"

The natural richness of the country, and its admirable location between two oceans, have led to a prevailing extravagant idea in the United States of the present extent of its foreign trade; and it is held out to the enterprise or cupidity of our merchants as a rich prize which to possess they have only to come down and readily appropriate.

The test of a nation's capacity for foreign commerce is its export trade. This item has been recently reported in the United States at \$60,000,000 or \$70,000,000. It has not for many years exceeded \$31,000,000, and its average has been about \$27,000,000. The minister of finance in his last report gives, from the official returns, the exports for the fiscal year ending June 30, 1877 (the last reported), as \$28,772,194.24.

If we compare these figures with the exports of the other Spanish-American countries, the West India islands, or the British colonies, we will find that Mexico stands at the very foot of the list.

From the latest statistics available in this city, which are, I have no doubt, substantially correct, I have prepared a table (omitting three South American republics with scant sea-coast) showing the population and exports of the countries named, and the rate of foreign trade per inhabitant, as follows:

Countries.	Population.	Exports.	Per capita.
Mexico .....	9,000,000	\$28,772,194	\$2 19
Central America.....	2,600,000	16,500,000	6 34
Cuba .....	1,350,000	90,000,000	66 00
Porto Rico.....	615,000	8,500,000	13 80
Hayti .....	512,000	8,501,000	15 00
San Domingo .....	138,000	690,000	5 00
Jamaica .....	500,000	6,200,000	12 40
Colombia .....	2,800,000	9,984,000	3 50
Venezuela .....	1,800,000	17,300,000	9 60
Peru .....	2,500,000	35,000,000	14 00
Chili .....	2,068,000	37,771,000	18 20
Argentine Republic .....	1,800,000	45,000,000	25 00
Uruguay .....	450,000	18,000,000	25 50
Brazil .....	10,161,000	107,310,000	10 50
Australia .....	1,939,000	182,950,000	94 30
New Zealand .....	440,000	28,379,000	64 50

Of all the countries in the above list, there are probably not more than two which have greater natural resources and advantages than Mexico. Cuba has a fertile soil and great sea-coast facilities, but it does not possess the inexhaustible precious metals of Mexico. And so of the others which may be named, Mexico will be found to have some important natural advantage superior to any one of them.

It can produce all the coffee consumed in the United States. It has a greater area of sugar-producing lands than Cuba and of equal fertility. Its capacity for the production of vegetable textiles is equal to any country in the world. Almost all the tropical dyes and drugs and all the fruits of the world can be cultivated successfully. Its varied climate admits of the growth of all the cereals of all the zones. Its ranges afford the widest scope and the best conditions for wool and stock raising. And most of all, skillful American mining engineers, who have examined the matter, claim that its mineral wealth, yet hid away in the recesses of its mountain ranges, is superior to that of California, Nevada, or Australia.

If all this or half of it is true, why then does Mexico stand at the very foot of all the civilized nations in foreign trade? There is only one answer to this question—its revolutionary condition. This places itself in the way of all material progress, of all enterprise, of all business and economic reforms. It is this which has destroyed its foreign credit; this more than anything else which makes it impossible to build railroads; which prevents the necessary reforms in the tariff and interior trade regulations; which exhausts the national treasury; and which has brought the mass of the people to poverty and sapped their energies.

I have referred to the exalted ideas in the United States of the magnitude of the possible trade with this country. The people who entertain this idea forget or do not know that about two-thirds of the entire population are Indians.

In the present depressed condition of almost all industrial pursuits, these people have little employment, so that the majority of them do not work half the year. The price of common labor outside of a few cities and industrial centers will not average more than two reales (25 cents) a day, and in many parts of the country it does not exceed

one real (12½ cents); so that, considering the idle and feast days, the mass of working people of this country do not receive 12½ cents per day.

The necessary consequence is that, with the genial climate and fertile soil, a few cents buy the daily rations of beans, tortillas (corn-cakes), and peppers, upon which they mainly subsist, and a few yards of cotton cloth furnish their wearing apparel for a year.

It does not require a skillful calculator to estimate the amount of foreign commerce needed by this portion of the population. There are single counties in the United States which consume more articles of foreign trade than the whole republic of Mexico.

Another effect of the revolutionary condition of the country brings us to the next point:

2d. The general security and the enforcement of law and order.

The distinguished gentleman who made the address of welcome to Señor Zamacona at his reception in your city, scouted the charge of the insecurity of life and property in this country as a "slander," and styled the authors as "malicious detractors." I will not deny his assertion that life is as safe in the city of Mexico as in Chicago, for there is a good police system in this city, and the order and quiet of its streets will compare favorably with that of other civilized cities of the world.

But the manufacturer and merchant of Chicago hope, in following the suggestions made at said reception, to have not only this city but the whole republic as a field of commercial enterprise. At the risk of subjecting myself to the serious charge referred to above, I feel it my duty to cite some facts which have come under my notice and which are well known in this country.

Not a single passenger train leaves this city or Vera Cruz, the termini of the only completed railroad in the country, without being escorted by a company of soldiers to protect it from assault and robbery. The manufacturers of this city who own factories in the valley within sight of it, in sending out money to pay the weekly wages of the operatives, always accompany it with an armed guard; and it has repeatedly occurred during the past twelve months that the street-railway cars from this city to the suburban villages have been seized by bands of robbers and the money of the manufacturers stolen. Every mining company which sends its metal to this city to be coined or shipped abroad always accompanies it by a strong guard of picked men; and the planters and others who send money or valuables out of the city do likewise.

But if these things occur within sight of the capital, it is natural to suppose that they are more frequent in distant parts of the republic. The principal highways over which the diligence lines pass are constantly patrolled by the armed rural guard or the federal troops; and yet highway robbery is so common that it is rarely ever noticed in the newspapers. A very recent case may be cited, by way of illustration. The consul-general of Belgium resident in the United States has, during the past few months, been making a visit of observation through this country, by order of his government. In all his journey to the interior States he was furnished with a military guard; but in passing through one of the most wealthy and densely-populated States of the republic, the diligence in which he was traveling was assaulted by a band of mounted highwaymen; his guard ran away without firing a shot; the consul-general and his fellow-passengers were robbed of the valuables on their persons, and their baggage; they were sent on to the next station without enough money to buy their dinner; and on arriving there, they learned that the robbers were a part of the regular road-guard, which had deserted the service and were using the government arms and horses to ply a more lucrative avocation, especially in the present depleted state of the public treasury.

One of the commercial indications of the insecurity of communication between the capital and the other cities of the republic is found in the rate of interior exchange, which, by the last brokers' quotations (a fair average), was as follows: Chihuahua, 8 to 10 per cent.; Acapulco, Durango, Guadalajara, Zacatecas, Morelia, 5 to 6 per cent.; Leon, Gnanajuato, Monterey, and Oaxaca, 4 to 5 per cent.; Cuernavaca and Toluca, 2 to 2½ per cent.; Vera Cruz, ½ to 1 per cent.

These matters are not mentioned by me by way of reproach of this people, who recognize and lament them more than foreigners, but to show the deplorable effects of revolution. It is almost impossible for a government which holds its sway by an uncertain tenure, which must be constantly on the alert for a new revolution threatening its existence, and with scant treasury, to suppress this brigandage; and the present is not more remiss than, perhaps not so much so as, former governments. But such information is necessary to be had by the foreign merchant, who is seeking to know the state of public security. And I regard it as my duty to go still further and call your attention to the facts which have been published by our own government. Where so much robbery and lawlessness occur, it is natural to suppose that American merchants, miners, and travelers must sometimes be the victims. It has, therefore, been my frequent duty to complain to the Mexican Government in regard to the murder of American citizens, in some instances involving the alleged complicity of the local authori-



ties, and in most cases their failure or indifference as to the punishment of the murderers. *Within fourteen months* after my arrival at my mission I found it necessary to address an energetic note to the Mexican minister of foreign affairs on this subject, from which, as President Grant caused it to be published to the world, there is no objection to quoting, as follows:

"During the short time that I have been in charge of this legation, I have been officially informed by the consuls of my government, resident in different localities of the Republic of Mexico, of the death of thirteen American citizens by violence and outrage, some of them murders of the most brutal character and revolting to our common civilization. In addition to these, I have also received official intelligence of several brutal assaults and personal outrages upon American citizens, not resulting in loss of life. \* \* \* I am sorry to state that up to the present date I am not aware that there has been one single punishment inflicted for all this long list of murders and personal outrages. It is, therefore, with the most sincere regret, and under the most urgent conviction of the duty which I owe to the dignity and honor of my government, and to the safety of the lives and persons of American residents and travelers in this country, that I earnestly remonstrate against the apparent indifference and negligence of the local authorities to punish crimes and injuries inflicted upon American citizens by Mexicans, and call upon the Federal Government of Mexico to use in an effective manner its influence and its authority to protect the lives of my countrymen, and to punish those who murder and maltreat them." (See *Foreign Relations of the United States*, 1874, pp. 757 and 758).

Since that note was written more than four years have passed, and the list of murdered Americans has considerably increased, but up to the present date I have been informed of permanent punishment having followed in but a *single case*, and that *when a Mexican was murdered* at the same time.

There is still another feature of insecurity to property, which has come to my official knowledge, and which is known to the public, to which I must refer, in order to give you a more perfect idea of the kind of protection extended to American merchants and capitalists in this country.

Murder and personal outrage are bad enough, but, while it may appear strange, it is nevertheless true that capital and property are more sensitive to protection than life itself. A man will often risk his person where he will not take his money or effects. Even though American citizens are brutally murdered by the score and no punishment follows, as the business men who assemble in Hershey Hall do not propose to abandon their comfortable homes in Chicago and its beautiful suburbs, they may be interested in knowing what protection will be extended to their capital invested in mines or to their merchandise sent into the interior of Mexico for sale. I can best inform them by citing instances which have taken place and which have been published by our government and the American newspapers.

The records of this legation and of the State Department are burdened with the complaints of American merchants, miners, and traders, for the illegal seizure and confiscation of their money and goods by the Mexican federal and State authorities, by military chiefs and local officials, by government troops and revolutionists, without in almost any instance the proper redress being given.

But in order not to be tedious and to confine events to a recent period, I will limit the cases to those which have occurred during the last revolution and under the present administration of Mexico, and will embrace widely separated parts of the country.

Soon after General Diaz "pronounced" against the late government of Mr. Lerdo, the state of Chihuahua became the scene of many petty strifes of the Diaz and Lerdo armed factions. Towns and villages often changed military owners. When the revolutionists gained possession, their first act was to levy a "forced loan," as they were otherwise without money to carry on their revolution. As the government or Lerdo forces were at unusual expense in combating the revolution, their exchequer also became exhausted, and they had to resort to "extraordinary contributions."

In this way some American merchants of that State were required to pay to the different parties as many as *thirteen* separate and distinct forced loans within six months. These forced loans almost exclusively fall upon the merchants and mining companies, as the levy must be paid within a few hours or at most a few days, and they who have ready money or marketable effects are those called upon. The complaint also of all foreign merchants is that they are the principal sufferers, as the Mexican merchant has little difficulty in either escaping the payment or "negotiating" with his fellow-citizen, the military chief, on very advantageous terms.

I give the experience of one American banker and mining capitalist in Chihuahua during the recent revolution as a sample of the rest. The Diaz partisans captured the city of Chihuahua and held it for a few weeks in the fall of 1876. Their first act was to levy a forced loan, and \$3,500 was apportioned to the American banker as his share. He was at the time absent from the city on his hacienda (plantation). An armed guard was sent to collect it. As he had already paid considerable sums for the same purpose he thought that he had contributed his full share, and therefore he declined to pay.

The guard made him a prisoner, and started with him to the city; but meanwhile the Lerdo forces had recaptured the place, and he was instead carried off to the mountains, and notice was sent to his family that \$50,000 would be required for his ransom. He refused to advise his family to pay so dearly for his release, so he was carried around with this roving band of revolutionists, from one mountain fastness to another, as they were driven about by the government troops, compelled to sleep on the bare ground in the cold mountain air, several times exposed to the fire of the enemy, and in imminent peril of his life, until, after thirty days of hardships, he was finally released upon the payment of the original sum demanded, \$3,500. This American, having suffered to the amount of about \$50,000 for forced loans and military exactions of various kinds by the last revolution, and having failed to obtain any recognition of his claim from the local authorities, made the journey to this city, a distance of over 1,200 miles overland, at the beginning of the present year, to make a direct appeal for redress to the general government. But after having spent five months in this capital in vain efforts, he returned to Chihuahua without any settlement.

In the fall of 1876, while the triangular contest for the presidency was going on in this country, an American sailing-vessel cleared from San Francisco with a cargo for Mexican ports. The first stopping place was Mazatlan, but in view of the revolutionary condition of the country she had instructions not to enter the harbor until advices were sent to her by the consignee on shore as to the peace of the city. She arrived off the harbor just at the time that the place had been surrendered by the Lerdo forces to those of Iglesias, and while these were in turn threatened by those of Diaz. Having signaled her arrival, she stood out to sea to await instructions. But her movements had been noticed by the custom-house officials, who, fearing the city might change hands before they had an opportunity to collect the duties, sent a steam gunboat, which, with one other, constitutes the Mexican navy on the Pacific, to seize and bring her into port at once. The gunboat made her lie to, by a cannon-shot across her bow, and, contrary to the protest and remonstrance of the captain, with the American flag flying from her masthead on the high sea, she was seized and brought forcibly into the harbor, and her cargo unloaded in good season for the *interregnum* government to receive the duties. Against all these proceedings both the captain of the vessel and the American consul filed written protests. When a demand for reparation was made by our government, that of Mexico, after obtaining a report of the case from the local authorities, answered that it was informed that the Mexican gunboat, while navigating the coast, found the American vessel *becalmed* outside of the harbor of Mazatlan, and at the captain's request, and as a special favor to him, towed the vessel into port! And this is the only redress ever rendered for the seizure of an American vessel flying the national flag on the high sea.

Within a month after that event another American vessel was seized at the same port on an unwarranted pretext, and, notwithstanding the Treasury Department in this capital, which has supervision of the subject, ordered its unconditional release, the cargo, destined for foreign parts, was landed and held as confiscated; and a similar occurrence took place a few months afterward; and all redress has been refused for these outrages upon our commerce.

Last year the Diaz revolutionary chief in the State of Guerrero, out of an avowed spirit of revenge, seized and attempted to confiscate the personal property and three valuable estates of an American merchant of Acapulco. The American consul at that port protested against his proceeding, and he was immediately thereafter arrested by an armed band of soldiers in a public street and thrown into prison, where he was kept for two weeks, with the object, as the revolutionary general said, of frightening the consul into using more polite language toward him. The consul was arraigned in the court constituted by the general, upon an unfounded charge, and completely exonerated by his own judge. The Mexican government restored the property of the American citizen, but has emphatically refused to render any redress or acknowledge any accountability for the arrest and imprisonment of the consul.

Crossing the continent from Acapulco to the mouth of the Rio Grande, we find that the same revolutionary exactions were suffered by American merchants at Matamoros. The Lerdo general in command, being cut off by the Diaz forces from all communication with and aid from the capital, was soon without money to pay his troops and keep up the defense of the place. Whereupon he had to resort to the usual expedient of forced loans. The first two were submitted to with as good a grace as possible, but when the third came, following quick upon the others, some of the merchants found it difficult to raise the cash and refused to pay, which led the general to resort to vigorous measures. One American merchant, or rather small trader, quite an old man, was called upon for \$300, which he could not or did not pay, and he was seized by soldiers in the night and carried off to the outworks in front of the city, where a skirmish was going on with the revolutionists outside, and he was stood up on top of the earthworks exposed to the fire of the enemy, until the consul intervened and obtained his release. Another American merchant was levied upon for several thousand dollars which he felt was unjust and unequal, in view of what he had already paid, so he de-

clined and sought the protection of the consul, whose office happened to be in the same building.

But the consul's earnest endeavors were all in vain. Orders were issued to enforce the loan, and a guard of soldiers was sent to the establishment, and while the American flag was flying from the consul's staff on the building, and within reach of the cannon of an American gunboat in the river, the doors were broken open and the stock of goods carried off and sold at public auction "for a song." A member of this firm came to this capital a year ago to obtain some recognition of the claim for these damages, offering to take orders on the custom-house of Matamoros in payment, but he utterly failed to obtain any settlement.

I must close this list with only one other of the many cases which have been reported to this legation, and that a very recent one. An American trader, Mr. Walter Henry, who had been engaged in merchandising in the city of Chihuahua for many years, had suffered so much from the Diaz revolution, being compelled to pay in succession forced loans for \$2,500, \$300, and \$1,500, besides furnishing a Henry rifle, a pair of pistols, and a horse accounted for the revolution, that he felt compelled to abandon that city, and seek a more peaceful part of the country. So he selected the town of Saltillo, in Coahuila. He went to the United States and bought a new stock of goods. Leaving San Antonio, Tex., he came through the Mexican town of Piedras Negras, on the Rio Grande, passed his goods regularly through the custom-house at that place, and paid the duties to the collector. In doing so it became known that he had on his person some \$400 in cash. He started into the interior with his train of goods, *en route* for Saltillo. Only a short distance out he was brutally murdered and robbed of all his money and his papers destroyed. When the collector at Piedras Negras heard of his murder and the destruction of his papers, he sent a guard forthwith to seize his goods as contraband. But the alcalde of the neighboring town of Zaragoza had taken possession of and sold to the amount of \$1,000 of them to pay the funeral expenses of the murdered man. In the mean time the consul at Piedras Negras, hearing of the murder, went to the custom-house to obtain what information he could as to the amount and character of Henry's goods, with the object of taking possession of them for the benefit of his estate. He met the collector, who denied any knowledge of Henry or his goods having passed through the custom-house, and, upon examination, it appears that he had not returned any account of the money, but appropriated it to his own use; and now that Henry was dead and his papers destroyed, he proposed to conceal his own fraud by confiscating the goods.

These events took place within the past fifty days.

The foregoing cases illustrate the inconveniences to which American merchants in the interior of this country are at times subjected. I do not mean to convey the idea that all American merchants are thus treated, but there are few who have passed many years in the interior who cannot testify to these annoyances, in some shape, from their own experience.

Nor do I desire to have it understood that the general government or the better class of Mexican citizens approve of such conduct. But these occurrences are the regular incidents of each succeeding revolution. It is proper, however, to state that notwithstanding the supreme court of Mexico has decided in most explicit terms that forced loans and all similar military or executive levies are unconstitutional and unauthorized even in time of war, the Mexican Government has positively refused to enter into any treaty stipulation, or make any declaration or agreement, guaranteeing residents in the country against such unequal and unjust exactions.

To complete even a sketch of the evil commercial effects which Mexico is suffering from her revolutions, a brief reference to the last point mentioned is necessary.

3d. The incentive to, and facility for, contraband trade afforded by revolution and the derangement of business.

The first great need of a revolutionary chief is money, and one of the ways of raising it, in addition to forced loans, is to get possession of a seaport or a frontier town and negotiate with the merchants for funds upon the admission of their goods at a heavy discount on the tariff. So, also, in times of revolution the authority and supervision of the general government over the custom-houses is much interfered with, and the officials in charge have greater opportunities for private arrangements with such merchants as indulge in the practice. The constant recurrence of civil disturbances in the country so unsettles customs morals as well as methods that the enforcement of rigid rules and a thorough system of customs collections is difficult even in the intervals of peace. The high tariff, in part caused by the revolutionary state of the treasury, is also a great incentive to illicit trade. Probably no government in the world, with the utmost vigilance, could prevent this kind of traffic, with a tariff which contains the high rates cited in the foregoing list.

The result is as might be expected. Smuggling is carried on over the frontier and along the sea-coast to such an extent as to almost bankrupt the national treasury and unsettle completely commercial values, reducing prices on many articles below the rates of duties, without even estimating the original cost. The evil has become so

notorious and intolerable as to be acknowledged publicly by the government, and the honest merchants have been compelled to remonstrate against it in such terms, and ask for vigorous measures for its suppression, that they threaten to suspend orders for importations unless a check is placed upon the illicit traffic. The minister of finance, in an interview which he had on the 3d ultimo with a committee of the supreme court, which waited upon him to obtain the payment of their salaries, referred them to the "scandalous contraband trade which, besides ruining the legitimate commerce, deprived the treasury of most important resources," and this commerce "was carried on not only on the northern frontier, but in other parts of the country."

It can be seen at once what effect such a state of affairs must have on legitimate commerce and on mercantile morals, and at what a disadvantage honest importers are placed in competition with the unconscionable dealers, who rapidly become expert in making terms with or deceiving the custom-house officials, or in evading the guards. My personal acquaintance with many of the merchants and manufacturers of Chicago leads me to the sure conclusion that they could not successfully compete in this illicit trade.

What I have written may in some degree account for "the astonishing fact" referred to in Señor Zamacona's address, that while the enterprise of the American merchant carries our trade to the far Indies and Australia, and while it is invading the republics of South America, it is passing by Mexico. It was an inexplicable fact to me, also, until a more intimate knowledge of the condition, legislation, and trade practices of this country presented the embarrassments which I have in part explained.

But the common inquiry and reply are, "Why cannot the American merchant successfully compete with the English, German, French, and Spanish merchants, who now control this trade?" In the first place, the question requires amendment, by the omission of the English merchants from the list, as they have almost completely withdrawn from the country, for much the same reason that the Americans cannot or do not enter it. There is not a single English house in the port of Vera Cruz, not an importing house, and only three English houses of all branches in this city, and, so far as I can learn, not exceeding six, all told, in the entire republic. English goods come to this country, but they are ordered from Manchester and Sheffield by German and other merchants. The import trade is principally in the hands of the Germans and Spaniards, mainly the former. The latter have great advantage in speaking the language and being of the same race as the controlling element of the country.

But the Germans have fairly earned their predominance by many years of patient study of the country and persistent application to the business. The Hamburg merchants establish their branches in various parts of Mexico, and send their educated youths out to serve an apprenticeship in the business and afterwards assume the management of the branch houses. They become thoroughly familiar with the condition and practices of the country, and master the intricacies of the tariff and interior duties. Revolutions and changes of government do not disturb their equanimity. They become accustomed to "forced loans" and "extraordinary contributions." Notwithstanding the irregularities of the custom-house officials and the embarrassments of the contraband trade, they keep the "even tenor of their way," and usually (though not always) in middle or advanced life are able to go back to Germany with a competence. If the American merchants are willing to pursue the same policy and subject themselves to the same annoyances, I doubt not they will succeed likewise, although I have already referred to some of the advantages which are possessed by the former.

But commerce, like the human being who controls it, is susceptible to temptation, and, though it can and often does triumph over difficulties, prefers to accept the offers which are most fair and the fields which are least hazardous. Mexico is our natural market, and the two countries should have more intimate commercial relations. But our merchants will continue to find other markets beyond the equator and on the opposite side of the globe, unless, 1st, Mexico is willing to liberalize its legislation and re-establish its credit, so as to make a direct railroad communication possible; 2d, modify its tariff and interior trade regulations; and 3d, preserve a stable government, and enforce order and protection to life and property. When these are accomplished an unexampled era of prosperity and development will dawn upon this fair land, and the two republics will be bound together by the indissoluble bands of commercial and social reciprocity, which will not allow a disturbance of their peace or their national integrity.

While I have thus shown the obstacles to a large trade with this country, there is, nevertheless, a limited field which may be occupied by American merchants and manufacturers. The Mexican free list enables them to import engines, machinery, and agricultural implements, and to the extent that these are used our importers can successfully compete with those of Europe. A careful examination of the Mexican tariff will reveal some articles which may be introduced with profit; and even the goods which, owing to the high duties and charges, become luxuries in this market, can be sold to a limited extent. And I regard it as entirely feasible and safe for American manufacturers to combine their efforts in kindred branches, and establish in this city

warehouses for the exhibition and sale of the products of their factories. In this way the local merchants and consumers will have a practical display of the superior merits of American goods and wares, and their sale can be gradually introduced and a permanent market created.

I am gratified to hear that there is a movement on foot in Chicago on the part of some of your business men to make an excursion to this city at an early day. I can promise them a most enjoyable trip. The country will deeply interest them, and all will be charmed with the magnificent scenery and delightful climate. And I doubt not the Mexican citizens, who have so highly appreciated the attentions and courtesies which your association so lavishly bestowed recently upon their official representative, will be glad of an opportunity to reciprocate your kindness. Whatever may be the impression of the visitors as to the possibility of a large and speedy commerce with Mexico, they can be assured of a hearty welcome and courteous treatment on the part of all its people.

For the information of the government, I forward this letter through the Department of State at Washington, and also inclose to it a copy of the same.

I am, &c.,

JOHN W. FOSTER.

---

No. 372.

*Mr. Foster to Mr. Evarts.*

No. 807.]

LEGATION OF THE UNITED STATES,  
*Mexico, October 14, 1878. (Received November 6.)*

SIR: Under date of the 13th ultimo, I communicated to the Mexican minister of foreign affairs the contents of your dispatch No. 494, of August 10, expressing regret that the Mexican Government had refused to repeal or modify the laws establishing the *Zona Libre*.

The acting minister of foreign affairs, in reply, on the 21st ultimo, stated that it was not within the faculties of the executive to abolish the *Zona Libre*, even if it had formed a definite opinion as to the impropriety of its existence, which latter point it was studying with a view to submitting a recommendation to Congress on the subject; that it was very far from the intention of Mexico to preserve said zone for the purpose of causing injury to the financial interests of the United States; and he closed by saying that the President was desirous of co-operating to prevent such injuries and would with pleasure consider such suggestions as I might think proper to make for that purpose.

On the 26th ultimo, I answered the acting minister that I would communicate his note to the Department of State for its information; but that I could not conceive how I could act upon his invitation and submit suggestions which had in view the continued existence of the *Zona Libre*. I referred to the fact that it had received the decided disapprobation of both the executive and legislative branches of the Government of the United States, and that for ten years past it has sought through diplomatic intervention and remonstrance to obtain its abolition. I then reviewed the dilatory and evasive course of the present Mexican Government on the question, showing that I had as early as March, 1877, presented the subject to that government, representing the injury resulting to the United States from the maintenance of said zone, and I announced that its repeal was felt by our government to be an essential step toward the preservation of the best relations between the two nations. The then minister of foreign affairs recognized the force of the objections of our government, acknowledged that it was even a greater evil to Mexico, stated that the executive was clearly of the opinion that important modifications, if not its absolute repeal, were necessary, and that the matter had been intrusted to the minister of finance with a

view to the presentation of an "initiative" to Congress with as little delay as possible. But the next session of Congress passed without any communication being sent to it by the executive.

On the 21st of June, 1877, I recalled the matter to the minister's attention, and submitted a written proposition, with a view to obtaining definite action at the next succeeding session of Congress; but that Congress passed without any action on the part of the executive.

The Mexican Government then assumed the position that it could take no action until it was officially recognized. The recognition occurred early in April, 1878, but the third session of Congress passed and no "initiative" was sent to it by the President. But soon after the adjournment of the first session of Congress following recognition, these new regulations, referred to in Department dispatch No. 494, were issued and the official announcement was made that "the concession (or zone) remains in the same terms as heretofore."

In view of these antecedents, I said to the acting minister that I was not able to derive much encouragement from his statement that the executive was studying the question with a view to making some proposition to Congress, when more than eighteen months before I had been informed that it recognized the inexpediency of its existence, and when the minister of finance has for years past been strongly opposed to the zone.

As up to the present date I have received no response to my note of the 26th ultimo, it is probably the intention to leave it unanswered.

There is no question connected with our international relations which more clearly illustrates the incapacity of the present Government of Mexico to discharge its plain duty toward the United States than that of the *Zona Libre*. It was established by the unconstitutional and independent act of a government of a State.

After much discussion it was approved by Congress on the ground of its hostility to American commerce, notwithstanding the present government was, early after its inauguration, notified that its repeal was considered by our government as an essential measure toward the preservation of good relations between the two countries, and after its own acknowledgment that it is unconstitutional and greatly injurious to the United States, it repeatedly violates its promise to submit a recommendation to Congress on the subject. It fears that such an act would be construed into a concession to the United States, and would provoke a revolution on that frontier.

I am, &c.,

JOHN W. FOSTER.

---

[Inclosure 1 in No. 807.]

Mr. Foster to Mr. Mata.

LEGATION OF THE UNITED STATES,  
Mexico, September 13, 1878.

SIR: For the information of my government, I transmitted to the Department of State a copy of the new regulations in regard to the *Zona Libre*, which, under date of June 17, last, the Mexican secretary of finance issued by direction of the President.

In acknowledging receipt of my dispatch, the Secretary of State says that he cannot but regard with regret the refusal of Mexico to repeal or modify the laws establishing the *Zona Libre*, which, by the opportunities it affords for smuggling, has proved so fertile a source of trouble to both countries, impairing the revenues of each and tending to thwart the efforts of both to maintain peace and good order on the frontier.

In communicating these views to your excellency, I remain, with marked consideration,

Yours, &c.,

JOHN W. FOSTER.

Digitized by Google

[Inclosure 2 in No. 807.—Translation.]

*Mr. Avila to Mr. Foster.*DEPARTMENT OF FOREIGN AFFAIRS,  
*Mexico, September 21, 1878.*

MR. MINISTER: I have the honor to acknowledge the receipt of your excellency's note of the 13th instant, in which you inform this department that, having transmitted to the Department of State of the United States a copy of the new regulations relative to the *Zona Libre* which were issued by the department of finance on the 17th of June last, the Secretary of State, upon acknowledging its receipt to your excellency, expressed regret that the Mexican Government had refused to abolish or modify the laws which maintain the said zone, which, owing to the opportunities which it presents for the contraband trade, has been a source of difficulties for both countries, causing loss to their respective treasuries, and tending to nullify the efforts of both countries in preserving peace and order on the frontier.

The President has instructed me to say to your excellency in reply that upon issuing the new regulations to which your excellency alludes, the government has endeavored to prevent the contraband trade which has recently been carried on in effects introduced across the frontier, but that the *Zona Libre* being in existence in virtue of law, the executive would not have the faculties for abolishing it, even if it should already have formed a definite opinion concerning the impropriety of its existence, owing to its prejudicial effects upon the general interests of Mexico, which point the executive is occupied in carefully studying with the object of proposing to Congress what may be most conducive to the said interests.

It has always been, without doubt, very far from the intention of the Government of Mexico to preserve the free introduction and traffic in merchandise within the limits of the *Zona Libre* for the purpose of causing injury to the financial interests of the United States or of occasioning troubles which may make difficult the preservation of peace between the two countries; hence these considerations, and especially the second one, should receive attention in their corresponding places upon the adoption of such resolution as the interests of Mexico may demand with respect to the *Zona Libre*.

In the mean time the President of the republic would wish to co-operate within the sphere of his functions to prevent that the *Zona Libre* should cause injuries to the United States, and would with pleasure consider such suggestions to that effect as your excellency might be pleased to make, in so far as they may be compatible with the interests and the legislation of Mexico.

I improve this opportunity to reiterate to your excellency the protestations of my attentive considerations.

ELEUTERIO AVILA.

[Inclosure 3 in No. 807.]

*Mr. Foster to Mr. Avila.*LEGATION OF THE UNITED STATES  
*Mexico, September 26, 1878.*

SIR: Your honor's note of the 21st instant was duly received, in which you acknowledge the receipt of my note of the 13th instant, communicating the views of my government in regard to the regulations recently issued concerning the *Zona Libre*.

I will communicate to the Department of State at Washington the statements which your honor makes in reference to the motives which influenced the issuance of said instructions, the legal difficulties to the abolition of said Zone without the action of Congress, to which body the executive is considering the propriety of addressing an "initiative;" and that it has not been the intention of the Mexican Government in preserving the zone to cause injury to the financial interests of the United States or disturb the peace between the two countries.

I highly appreciate the invitation which your honor extends to me to make suggestions with a view to preventing the existence of the *Zona Libre* from causing injuries to the United States.

I cannot conceive, however, in what way I can act upon the invitation, consistent with the position which my government and this legation have always held upon this subject. From the time attention was first directed to the existence of the Free Zone it has received the decided disapproval and opposition of both the executive and legislative branches of my government; and for ten years past it has sought through diplomatic intervention and remonstrance to obtain its abolition.

In view of these facts, I would not feel authorized to make any suggestions which would seem to contemplate the continued existence of said zone without first having received the special instructions of my government to that end.

In addition to a reference to the previous and repeated action of this legation for ten years past, I deem this an opportune occasion to refer to the fact that at an early day after the establishment of the government of President Diaz, to wit, in the month of March, 1877, I presented the views of my government to the then secretary of foreign affairs, in a personal conference, calling his attention to the injury which was resulting to the Treasury of the United States from the existence of the *Zona Libre*, affording smugglers a secure base of operations for the illicit introduction of goods into Texas, and, in addition thereto, being the indirect source of much of the lawlessness and disorder on that frontier; and that its repeal was felt by my government to be an essential step on the part of Mexico toward the maintenance of peace on the Rio Grande and the preservation of the best relations between the two nations.

Mr. Vallarta in the conference promised to make the question the subject of a cabinet consultation, and on the 23d of March, 1877, he called at the legation and informed me that the *Zona Libre* had been considered by the cabinet in connection with my suggestion as to its repeal. He said that while the Mexican Government recognized the force of the objections on the part of the United States to its continuance, it was convinced that it was a source of even greater evil to Mexico; that it gave to a small portion of territory special privileges and exemptions not enjoyed by the rest of the republic; that it was a far greater injury to the Mexican revenue; that it was the occasion of constant trouble, lawlessness, and bloodshed; and that the executive was clearly of the opinion that at least important modifications, if not its absolute repeal, were necessary. He said, however, as it was sanctioned by an act of Congress, the subject would have to be referred to that body. It had been committed to the minister of finance for thorough examination, with a view to the presentation of an "initiative" to Congress to remedy the existing evils, and that as little delay as possible should occur in acting upon it.

Notwithstanding this positive assurance, the next succeeding session of Congress passed without the presentation of the promised "initiative."

I, therefore, on the 21st of June, 1877, recalled the subject to Mr. Vallarta's attention, and submitted to him a written proposition, with a view to securing the submission at the next session of Congress thereafter of an "initiative" for the abolition of said zone, but I was not successful in securing a definite answer; and the Congress which convened in September adjourned its session without any action on the part of the executive.

In the mean time your honor's government assumed the position that it could take no action upon this, as well as other pending questions, until it was officially recognized by that of the United States. This latter event occurred early in April, 1878, immediately after the assembling of Congress for a new constitutional period; and in view of Mr. Vallarta's full and frank statement of the views of his government, in his conference of the 23d of March, 1877, it was natural to have expected that the friendly act of recognition would be followed by the presentation to Congress of the promised "initiative," the preparation of which had been intrusted to the minister of finance more than twelve months before, with the assurance that as little delay as possible should occur in acting upon it. But my just expectation was destined to disappointment, as the entire session passed by without any action on the part of the executive.

What was my surprise to see the conclusion of that session of Congress followed by the official promulgation anew of the decree which created the *Zona Libre*, accompanied by the announcement in the *Diario Oficial* of June 25 last that "the concession (the free zone) remains in the same terms as heretofore." I recognize the fact that the circular of June 17, publishing the decree, adopts certain measures to prevent smuggling through said zone into the interior of Mexico, but it provides no measures to restrain the illicit trade carried on from said belt into the United States; but, on the other hand, peremptorily closes two custom-houses on the Rio Grande to lawful commerce with the United States.

In view of these antecedents, my government will not be able to derive much encouragement from your honor's statement, in your note of the 21st instant, that the Executive is occupied in carefully studying the question of the existence of the *Zona Libre*, with the object of proposing to Congress what may be conducive to the interests of the two countries.

When it is remembered that year after year, for ten years past, assurances have been given by the Mexican Executive that at the earliest convenient opportunity the subject would be presented to Congress; when your honor's department has so unequivocally pronounced against the expediency of the existence of the zone; and when the present minister of finance, to whose department the subject belongs, has for years past been publicly known as a decided opponent of the *Zona Libre*—when these facts are called to mind, the continued delay of the Executive in proposing to Congress its abolition greatly strengthens the conviction, so prevalent in the United States, that the Mexican Government does not possess the requisite ability or disposition to discharge its international obligations on the Rio Grande frontier.

With the assurance of my distinguished consideration,

I remain, &c.,

42 F R

JOHN W. FOSTER.

Digitized by Google



No. 373.

*Mr. Foster to Mr. Evarts.*

No. 808.]

LEGATION OF THE UNITED STATES,  
*Mexico, October 15, 1878. (Received November 6.)*

SIR: Since my last dispatch on current events, of the 7th ultimo, there have been no further reports of new revolutionary movements, and the country continues to enjoy a reasonable amount of peace, only broken by occasional local disturbances and the assaults of highwaymen, who appear to be increasing in different localities. In the town of Atzala, in the State of Puebla, on the last Sunday of September, an outbreak occurred which had been fermenting for some weeks previously between its residents, who were mainly Protestants, and those of a neighboring village, originating in a mixture of religious and political questions. The town was attacked by the inhabitants of the adjoining Catholic villages, headed by their municipal officers, and after a skirmish the former surrendered. It is stated that twenty-seven Protestants were killed, including all of the town officers, most of them in cold blood, after surrender.

General Escobedo, the Lerdo minister of war and leader of the late revolution, is still kept in close confinement in the military prison of this city. His trial by military court has been ordered, but not yet commenced.

The contraband trade, to which I have made reference heretofore, has been one of the chief topics of discussion in the newspapers. It is acknowledged to be still prosecuted successfully, with continued injury both to the national treasury and to the legitimate commerce. It having been openly charged in various papers that prominent generals of the northern division of the federal army were largely engaged in this illicit trade, General Naranjo and two other officers of that army now in this city, sent a challenge, under "the code of honor," to the editor of the *Trait d'Union*, who had been most specific in making the charge; these officers proposing to vindicate the honor of that army. The event created much comment, and has led to a judicial investigation as to the basis of the charges of contraband trade in connection with the division of the army named.

The national treasury still continues in very straitened circumstances, and current payments of salaries to all government employés are postponed, except to members of Congress and the military.

It has been announced that Señor Zamacona, who had tendered his resignation as Mexican minister to the United States, had, at the urgent request of all the members of the cabinet and other prominent public men, withdrawn his resignation, and would remain in the United States for the present.

In noticing the report published in the United States, that the next installment on the mixed claims awards might not be paid when due, the *Diario Oficial* states that a considerable portion of the funds for that purpose has already been sent to New York, and that the installment will be paid promptly when due, even at the sacrifice of any other financial obligation.

A national exhibition has been ordered by the federal government, to be held from the 2d of April to the 5th of May, 1879.

Since the decree was issued, it has been proposed to make it an international exhibition and the proposition has been very favorably received by the press, but no action has yet been announced by the government. In case it should be approved by it, the exhibition already ordered will most likely be postponed till about November, 1879.

Congress has been in session one month, but thus far no subject of great interest has received special attention. It is currently reported that certain prominent senators and deputies have agreed upon a proposition to continue President Diaz in office for six years, and confer upon him dictatorial powers.

The subject is being generally discussed by the press, but does not receive much favor openly. The Monitor, in referring to it, says that it would be very unsafe to lay aside the republican form of government to set up a ridiculous monarchy or a military dictatorship, as it would surely bring about very serious complications with the United States, as the latter could never regard such movements with favor.

It attributes the present international embarrassments in great part to the overthrow of the previous government by revolution, and asserts that internal discord and anarchy or radical changes in the form of government would inevitably result in disaster to the nation from the intervention of its northern neighbors.

While the question of the dictatorship does not receive any very pronounced and open advocacy, there appears to be a growing conviction that some important modifications of the present constitution are required, to confer more absolute power on the Executive.

One of the most enlightened and able of the newspapers of the Liberal party, *La Libertad*, has boldly assumed the position—

That the constitution of 1857 is an ideal law, made for an abstract man; it is necessary to make it a Mexican law, adapted to our present condition; that the great necessity of the country is to give more force to the central power, and endow the state with all the vigor to recover from the long and dolorous experience of a half century of civil disturbances.

The Monitor, the most prominent of the Liberal papers, answers that the fault is not with the constitution or the principles of government, but with the men who administer it, the officials in power. It says:

It is necessary to bear in mind that the first enemies which the Mexican people have to their liberties are the authorities, with rare and honorable exceptions. From the high functionaries down to the lowest agents of the police, from the illustrious men who guide the ship of state to the obscure village alcalde, all appear inspired by the same despotic spirit of abusing power, of oppressing the weak, of harassing the helpless, sometimes by the barefaced use of brute force, at others by means of chicanery and subtlety, very ingenious it may be, but which reveal the want of respect for society which they profess, who ought to be the faithful guardians of its rights.

#### The Libertad replies:

Did these authorities fall down from the skies for us? No; they spring forth from society, and are the genuine products of our vicious constitution; they are the scrofula which reveals the mortal poverty of our temperament. \* \* \* Respect for individual rights; but what tree of our fields bears this fruit?

Is there not observed the hatred for the lives of others and the contempt for liberty which every Mexican abandoned to his own instincts possesses? \* \* \* The violation of the guarantees of the constitution and the outrage of the law arise from the fact that when the legal precept is not in consonance with the necessities of life, arbitrary power and despotism are the only regimen possible in societies like ours, barely emerging from the embryo state.

#### The Monitor responds:

If our people are backward, if they are incapable of exercising the liberties which the fundamental law grants them, the remedy is very simple—to take away from them these liberties; to give them a legislation adapted to the necessities of their backward condition, and to sacrifice the individual to society. \* \* \* No one more than we recognizes the deplorable state of our society; but what is the remedy? To take a backward step, under the pretext of placing the law in harmony with our practical necessities? Upon what basis could such a reaction be effected? Shall we suppress popular suffrage, which is nothing more than a farce? Then who will govern, and with what titles?

Shall we establish a military dictatorship like that of Santa Anna in his last epoch?

Shall we suppress all the artificial rights laid down in that constitution which is never observed, and deliver society over to the arbitrary will of a supreme ruler? \* \* \* While that may happen, we will continue employing our rhetoric in order to secure the observance of that constitution which is not observed, in order that the evils which are noticed may be reformed, always in a liberal sense, and, above all, in order that the rights which are laid down in that instrument may be profoundly respected by the little sultans who exercise authority in the name of the people.

The *Trait d'Union*, which has been one of the most hopeful and ardent supporters of the present administration, has recently been forced to acknowledge that the condition of affairs is very gloomy. Its editorial of to-day says:

In the midst of all the uncertainty of the moment, a fact exists which we witness with pain, but which cannot be denied. This fact is the discouragement which has taken possession of many who, yesterday, were still full of faith and hope in the future. Whatever may be the political opinion which they entertain, whatever the sympathies which they may have for General Diaz, it is difficult to shake off the impression of discouragement and sadness, casting a glance over the events of the (presidential) year just closing. If it were necessary to give it a name, it must be called the year of disappointed hopes and of fruitless enterprises. \* \* \* Unquiet and discouraged, Mexico looks upon the future with an uncertainty which every day aggravates. The spirit of party revives, want of confidence is more wide spread than last year, business languishes, labor is paralyzed, the fountain of resources begins to fail, and such are the sufferings of the country that he is not an alarmist who has fears for the public peace.

An effort has been made to create the impression that the contraband trade, already referred to, is mainly carried on over the Texas frontier, and the press of this city has gone so far as to publish charges of complicity on the part of the officers of the Regular Army of the United States.

I have heretofore transmitted to the Department the statement of the Mexican minister of finance that it is carried on, not only on the Rio Grande frontier, but in other parts of the country. Just as I close this dispatch, I notice that the *Occidental of Mazatlan*, on the Pacific coast, in discussing the subject, says:

If in the States of the republic where the contraband exists there are employés as greedy and avaricious as those at Mazatlan, we will have discovered one of the causes of the contraband trade.

And again it says:

Never has there been in said custom-houses such a number of employés as now, and, nevertheless, the contraband trade has never been so scandalous as at present.

These confessions as to the character of the custom-house officials of Mazatlan may throw some light upon the outrages which have been perpetrated at that port upon the American vessels the *Dreadnaught*, *Montana*, and *Eustace*, which have been made the subject of dispatches to the Department.

The treasury statement for the month of September shows the cash receipts of the government to have been \$769,595.36 and the cash disbursements \$769,573.50.

I am, &c.,

JOHN W. FOSTER.

---

No. 374.

*Mr. Foster to Mr. Evarts.*

No. 817.]

LEGATION OF THE UNITED STATES.  
Mexico, October 25, 1878. (Received November 6.)

SIR: In previous dispatches I have referred to the extensive contraband trade which has unsettled commerce and greatly reduced the re-

ceipts of the national treasury. As I have stated, an effort has been made to create the impression that this illicit commerce is mainly confined to the Texas frontier.

There is no question but that the existence of the *Zona Libre* gives great facilities to this traffic, but, as I have shown from the declarations of the minister of the treasury and the newspapers of Mazatlan on the Pacific coast, the evil exists in other parts of the republic.

Confirmatory of this assertion, the *Diario Oficial*, of the 21st instant, publishes a communication from the minister of the treasury to the collector of the customs of Alvarado, a port on the Gulf of Mexico, in the south part of the State of Vera Cruz, calling his attention to the fact that the contraband trade is extensively carried on through that port; that it is protected by almost all the inhabitants of that district; and that unless effective measures are enforced to prevent such trade, the President will order the closing of said port to all commerce.

In the same official paper reference is made to the straitened condition of the federal treasury, which is so great that it announces that some days the treasury does not contain more than \$2,000 or \$3,000, and that even the employés of that department have not been paid their salaries for the month of September, as already noticed; the total cash receipts for the month of September, excluding a small balance, were \$769,595.36; while the budget of appropriation for the current year made the expenditures \$19,000,000, or near \$1,600,000 per month. It has been announced in the official newspaper that the present and next month would materially improve the national finances, on account of the increased receipts of the Vera Cruz custom-house, upon which the government chiefly depends for its support. But I am informed on good authority that said custom-house will not yield the federal treasury for the present month more than \$400,000; and that its net receipts for the month of November will even fall below that sum, on account of the small amount of orders sent abroad for importations. For the corresponding months of last year, the receipts at Vera Cruz were about \$900,000 for each month; showing a decrease for the present year to less than half that sum.

The worst feature of this state of affairs is that it seems to presage increased taxation, extraordinary contributions, or forced loans; and these are the sure forerunners of a revolution, which too often results in a change of government. Beyond the distress and complaint arising from the failure of the government to pay its employés and meet its obligations, there is no outward indication of civil war; and if it is possible to keep the army paid with reasonable punctuality, the peace is likely to be preserved, for the early future at least.

I am, &c.,

JOHN W. FOSTER.

---

No. 375.

*Mr. Foster to Mr. Evarts.*

No. 819.]

LEGATION OF THE UNITED STATES,  
Mexico, October 28, 1878. (Received November 14.)

SIR: In your dispatch No. 425, of November 14, 1877, you instructed me to bring to the attention of the Mexican minister of foreign affairs the decree of the State of Yucatan, granting a bounty on the exportation of

hemp, or *henequen*, to Europe, and discriminating against exportation to the United States, which was regarded by you as a violation of the treaty of 1831, which I was instructed to ask to have corrected. In my No. 641, of December 7, 1877, I advised you of the execution of your instructions, and the promise of the minister that the subject should have early attention.

But, as the minister failed to give me any other answer, some time after the recognition of the government of President Diaz, I recalled the minister's attention to the subject, on the 28th of May last, representing the disadvantageous operations of the decree toward American commerce.

Mr. Vallarta excused his delay on the ground that he had been waiting to obtain the necessary information from the State of Yucatan, which he said he had just received, and he assured me that he would without delay give me the decision of his government.

Notwithstanding this assurance, I heard nothing further on the subject. Having received, last month, information that the State authorities of Yucatan are continuing to enforce the decree by granting a bounty to European exportation and refusing the same for exportation to the United States, on the 28th ultimo I addressed an urgent note to the acting minister of foreign affairs, reviewing the past delay of his department, and asking for it his early consideration. He has permitted an entire month to pass without even acknowledging receipt of my note, and nearly one year has transpired since the subject was first presented, and no decision has yet been taken on the matter. I have reason to believe that up to the present date no serious effort has been made by the federal government to secure a repeal or modification of the decree. The *Diario Oficial* of the 19th instant published a detailed account of the recent session of the State legislature of Yucatan, referring to the recommendations of the governor and the acts of that body during its three months' session, and nowhere is any allusion made to a proposition for the repeal of the decree.

The Mexican constitution has a provision similar to that of the United States in regard to federal jurisdiction over foreign commerce, and Mr. Vallarta, in my first interview on the subject, recognized it as an acknowledged principle.

Hemp or *henequen* is the main product of Yucatan for exportation. By means of the American line of steamers which has been engaged in the service for ten years, this trade has been almost entirely developed and built up, so that New York is almost the only market for this product. As the cultivation increases, a necessity is felt for a wider field for consumption, and the State government hit upon the project of granting a bounty on the exportation to Europe, in the hope of encouraging a demand and creating a new market. Besides the unjust discrimination against American commerce in general, it works a particular hardship to the American line of steamers referred to, which has, after so many years of labor, built up a lucrative trade in the article.

The only explanation I can make of the strange delay to decide the question or to answer my note is that, as Yucatan has in past years proved a source of much trouble to the federal government, on account of its independent and revolutionary spirit, it has been thought safer to treat the demand of the United States with silence rather than risk a conflict with that State.

I am, &c.,

JOHN W. FOSTER.

[Inclosure in No. 819.]

*Mr. Foster to Mr. Avila.*LEGATION OF THE UNITED STATES,  
*Mexico, September 28, 1878.*

SIR: On the 4th of December, 1877, I called the attention of the then minister of foreign affairs to a decree of the legislature of the State of Yucatan, granting a bounty on henequen exported to Europe, discriminating against the United States; and I at the same time left with the minister a copy of a dispatch from the Secretary of State, giving his views of the application of the treaty of 1831 to the subject. On the 26th of the same month I again conversed with him on the case, and on the 28th of said month Mr. Vallarta sent me a note, saying he had referred it to the minister of finance for examination. In the month of May last I again mentioned the subject, and expressed to the minister my desire to obtain some action in regard to it, as the decree in question was operating disadvantageously to the commercial interests of the United States.

Mr. Vallarta said that he had only been waiting to obtain the necessary information from the State of Yucatan, which he had just received, and that he would give the matter his early attention, and advise me without delay of the decision of his government.

Since that interview I have heard nothing further upon the subject. I, therefore, desire to ask for it the early consideration of your honor, as I have just received information that the State authorities of Yucatan are continuing to recognize the decree and granting the bounty to European exportation, and refusing the same to exportation to the United States. In closing I may add that in my conference with Mr. Vallarta I have suggested, besides the views presented in Mr. Evarts's dispatch, the constitutional point whether the State authorities have any power to regulate foreign commerce. I renew, with this opportunity, the assurance of my marked consideration and esteem.

JOHN W. FOSTER.

No. 376.

*Mr. Foster to Mr. Evarts.*

No. 891.]

LEGATION OF THE UNITED STATES,  
*Mexico, October 29, 1878.*

SIR: The decline in silver which has recently occurred in London has had a very unfavorable influence upon commercial affairs in Mexico, and indirectly upon all branches of industry. The basis of all monetary transactions in this country is silver. Although the double standard of gold and silver is provided by law, and the government is constantly minting coins of both metals, for a number of years past the gold coinage has commanded a considerable premium over silver, and during the past two or three years gold has not only ceased to be a circulating medium, but has almost entirely left the country. It is now very difficult to purchase on short notice in this city only a few thousand dollars in gold, and it commands a premium of from 14 to 18 per cent., according to the fluctuations of the London silver market. Silver is by law an unlimited legal tender for all debts, public and private.

As indicating the injurious effects on business affairs of the depreciation in the value of silver, I inclose herewith a communication which the minister of finance has addressed to Congress, conveying to that body the telegraphic quotations of the London market, which have resulted in placing foreign exchange at a premium of 22 per cent.

For some weeks previous to the recent decline exchange on New York has ruled at 18 per cent. The main object of the minister's communication was to bring again to the attention of Congress the recommendation of the Executive, submitted to the last Congress, for a repeal of the export duty of 5 per cent. which is now charged by the government on

all silver, coined and uncoined, shipped abroad, which repeal would reduce the price of exchange to that extent. Mr. Romero, the minister of finance, has for many years been a strong advocate of this wise measure of the repeal of all duties on the exportation of silver and other natural products; but thus far the necessities of the national and State treasuries have defeated it. Besides the export duty collected by the federal government, there are heavy export taxes by the States, coinage duties, and other charges, which add to the depressing influence of the London market. A careful estimate of the taxes, duties, and various charges on silver shows that it costs from  $13\frac{1}{2}$  to  $15\frac{1}{2}$  per cent. to place the silver produced in the Mexican mines in London or in New York. When it is remembered that silver constitutes four-fifths of the entire value of export products of Mexico, the effect of these heavy internal taxes and the decline in value in London upon the general trade and business of this country can be easily estimated. In the present depressed condition of all industries in Mexico, the late decline in silver must be regarded for this country as a great national calamity.

I am, &c.,

JOHN W. FOSTER.

[Inclosure in No. 821.—Translation.]

*Proposal for repeal of duty on exportation of silver.*

DEPARTMENT OF FINANCE AND PUBLIC CREDIT—SECTION 1.

The Executive considers it its duty to inform the Chamber of Deputies that, according to telegraphic information received from Europe, the price of silver in London (which for a long time was at 56 pence per English ounce, on an average, giving to our dollar a value in the republic equivalent to about 45 pence in London, causing exchange upon that place to be worth on an average about 6 or 7 per cent. to the prejudice of the republic) has suddenly fallen to  $42\frac{1}{2}$  pence per English ounce of silver, which gives to our dollar a value in the republic equivalent to 39 pence in London. This causes exchange upon that market to be at present about 22 per cent. to the prejudice of the nation.

Although it is to be hoped that this depreciation in the value of silver is due to temporary circumstances, such as the heavy failures which have recently occurred in Great Britain, and that for this reason there will soon be a reaction in the value of silver, the mercantile interests of Mexico cannot but be greatly depressed by the present decline, and with the object of relieving the evil results which the said decline may produce upon our country the President has decided that the Chamber of Deputies be recommended to approve of the initiative which was submitted to Congress on the 30th of October, 1877, concerning the release from duties on the exportation of national products.

Which I have the honor to communicate to you in order that you may be pleased to report it to the chamber.

Liberty in the constitution Mexico.

Mexico, October 26, 1878.

M. ROMERO.

To the Deputy Secretaries of the Chamber of Deputies, present.

No. 377.

*Mr. Cuellar to Mr. Erarts.*

[Translation.]

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA,  
Washington, December 14, 1877. (Received December 15.)

SIR: The Government of Mexico has sent me the official dispatch which I inclose with this note, and which refers to a movement executed

by United States troops on Mexican soil on the 29th of September last, with the apparent object of attacking an encampment of Lipan Indians near Piedras Negras. It instructs me, at the same time, to call the attention of your Department to the following considerations, which have acquired greater importance in view of the notices that have been published, without any contradiction, by the press of this country, concerning another military expedition into the territory of Mexico, under Lieutenant Young, under circumstances still more aggravating than that of Lieutenant-Colonel Shafter.

With respect to this latter, the Government of Mexico desires me to present the following circumstances to the consideration of your Department:

1st. This military expedition across the dividing line between the two republics took place while the representations were yet unanswered which I had the honor to make to the Department of State on the 7th of September last, in pursuance of instructions from my government, and on account of other occurrences of the same character.

2d. In this new case superior instructions had been given, as is shown by the official dispatch of Lieutenant-Colonel Shafter, which has been published in the newspapers of this country.

3d. The occurrence also implies an infraction of the instructions given to General Ord on the 1st of June last, since Lieutenant-Colonel Shafter himself admits that Lieutenant Bullis did not enter Mexico in pursuit of cattle-thieves or Indians, following a fresh trail, but for the purpose of attacking a camp of Lipans which had been established for some time at Remolino.

4th. Instead of trying to bring about a friendly feeling between the troops of the two countries, as recommended by the order of June 1, Lieutenant-Colonel Shafter declares that he did not feel justified in attacking the Mexican force on account of the smallness of its (his?) number.

5th. According to the inclosed dispatch of Colonel Rodriguez, Lieutenant Bullis took possession, not only of the horses belonging to the Lipans, but of those which several Mexican citizens had at neighboring ranches.

In the opinion of my government, the above-mentioned circumstances give to the acts committed by the officers referred to a character of gravity superior to that of other incidents of the same kind which have taken place previously, and render it impossible to consider the conduct of Lieutenant-Colonel Shafter and Lieutenant Bullis otherwise than as hostile acts which go beyond the motives and objects referred to in the order given to General Ord on the 1st of June. The same opinion will undoubtedly be formed by the Mexican Government when it becomes aware of the character of the last expedition under Lieutenant Young.

The instructions of my government and the consideration that the acts to which I have adverted may have an unfavorable influence upon the friendly sentiments reciprocally entertained by the people of Mexico and those of the United States, and give rise to the danger of a collision which the Mexican Government earnestly desires to avoid, have induced me to call your attention to the above-mentioned cases, and render it my painful duty to protest, as I hereby do, in the name of the Mexican Republic, against this violation of its territory.

The Government of Mexico also instructs me to express its desire to receive a reply to this note and to the one aforesaid of September 7, explaining that the object of both is that provided for in the treaties now



in force between the two republics, viz, to present, whenever cases arise, which are calculated to disturb the friendship which binds them, peaceful observations tending to bring about a rational and just arrangement. The Government of Mexico refers, in this connection, to the treaty of April 5, 1831 (article 34, fraction 3), that of February 2, 1848 (article 21), and that of December 30, 1853 (article 7).

The present accidental position of the Government of Mexico and that of the United States is not, in the opinion of the former, an obstacle which should prevent the precautionary stipulations above referred to from having their effect, since their very object is to facilitate the re-establishment of good understanding and regular relations between the two countries, when any incident occurs that is calculated to disturb them.

I have, &c.,

JOSE T. DE CUELLAR.

---

[Inclosure.—Translation.]

*Official dispatch concerning United States troops.*

MINISTRY OF WAR AND OF MARINE—SECTION 1—CONSTITUTIONAL ARMY, LINE OF THE NORTH—SECOND GENERAL-IN-CHIEF.

Under date of the 4th instant General Anacleto R. Falcon writes to me, as follows, from Piedras Negras:

“NATIONAL ARMY—GENERAL OF BRIGADE.

“Under Nos. 1 and 2 I send you the communications which the citizen Colonel Rodriguez has addressed to me from Zaragoza, in reference to the crossing of a party of American troops into our territory. By the same notes you will see what was the result of those expeditions, so that I hope you will give me positive orders for my action in a similar case, if repeated.”

Which I have the honor to communicate to you, inclosing a copy of the communications already referred to, to the end that, in view of them, you may adopt such measures as you may think proper.

Liberty in the constitution.

Monterey, October 9, 1877.

F. NARANGO.

To the Citizen General, MINISTER OF WAR AND OF MARINE, *City of Mexico*.

---

No. 1.

FIRST CAVALRY CORPS—COLONEL.

This very moment, at four o'clock in the afternoon, I have been informed by a cowherd that a party of negroes crossed, a quarter of a league from here, at the Rancho de los Patiños, at eleven o'clock this morning, being doubtless in pursuit of some Indians, since they reached the camp of the latter and prepared for action. As I am informed they were not all negroes, there being some Indians among them, I shall soon go with a force to investigate the facts and to give them a thrashing if necessary.

Liberty in the constitution.

Zaragoza, September 29, 1877.

INOCENTE RODRIGUEZ.

The Citizen General A. R. FALCON,  
*Chief of the Line, Piedras Negras.*

## No. 2.

## FIRST CAVALRY CORPS—COLONEL.

At 5 o'clock in the afternoon of the 29th of September last, the citizen municipal president of this city informed me that a party of American soldiers had invaded our territory, apparently for the purpose of pursuing the Lipan Indians, who are, by chance, encamped at a distance of a league and a half from the Rancho de los Patifios, toward the wilderness, and four leagues from the city. I at once prepared to march with a party of 100 cavalymen belonging to my command, accompanied by the citizens Vincente Garza, Espiridion Mesa, Vicente Hernandez and two other men who voluntarily offered to assist me in the expedition and to act as guides in case of necessity. On leaving this town, I started in the direction of the parish of Remolino, and while on the road between the two towns, I met a messenger from the assistant judge of that parish, who informed me that they had passed near that village, after having attacked the camp of the Lipans and burnt their lodges, carrying off with them five squaws whom they had captured during the attack, together with quite a large number of horses, which, as I have since learned, belonged not only to the Indians but also to several citizens whose ranches are near the Indian encampment. At half past twelve o'clock at night, I reached Remolino, where six more men voluntarily joined me. I at once sent out a scouting party, consisting of 20 soldiers of my command, and 10 villagers who were familiar with the neighborhood, under the citizen Captain Aurelio Campos, with orders to follow the trail of the American force until they should be able to observe its movements, while the rest of my party fed their horses preparatory to following also. At 7 o'clock on the morning of the day following, the aforesaid Captain Campos sent me word that he had overtaken the American troops at the head of the San Diego River, as they were commencing their march toward the Rio Bravo, after having joined another force that had been encamped there, and 200 men more who had passed at Palo Blanco above the town of Jimenez; these had come to protect the retreat of the party that had attacked the Lipans, and on seeing the Mexican force they left their camp, took possession of a hill, and formed a line of battle composed of 500 horsemen; both forces remained facing each other, and after making a few changes of front, the American soldiers, followed at a short distance by our advance, and retreating all the time, started on the double-quick for the well-known ford called "Thirty-one," when they perceived the rest of the force which followed them about five leagues beyond the head of the San Diego, when I ordered them to return, it being impossible to pursue the retreating force any further in consequence of the fatigued condition of our horses, which had already traveled more than thirty leagues, and I having been informed by persons familiar with the locality that no water could be found for a distance of more than fifteen leagues. I then resolved to go to San Vicente, where I remained twelve hours for the purpose of watching the movements that might be made by the American force, and of preventing them from recrossing at the fords by which they had entered our territory. Having been informed by my scouts that the Americans had gone in the direction of the aforesaid ford "Thirty-one," and feeling convinced that they would return to their own territory that same day, I ordered a return, so that the men might get food and the horses rest.

I have the honor to communicate the foregoing for your information, and in the performance of my duty.

Constitution and liberty.

Zuragoza, October 2, 1877.

INOCENTE ROURIGUEZ.

The Citizen General ANACLETO R. FALCON, *Piedras Negras*.

MEXICO, October 26, 1877.

A copy.

On account of the illness of the citizen chief clerk.

MANUEL BALBONTIN,  
*First Clerk*

CITY OF MEXICO, October 26, 1877.

A copy.

ELEENTERIO AVILA,  
*Chief Clerk*.

WASHINGTON, December 14, 1877.

A copy.

CAYETANO ROMERO,  
*Second Secretary*.

No. 378.

*Mr. Seward to Mr. Cuellar.*

DEPARTMENT OF STATE,  
*Washington, January 3, 1878.*

SIR: I have to acknowledge the receipt of your note of the 14th ultimo. It represents that the authorities of Texas claim of those of Mexico proceedings—in reference to the extradition of persons charged with crime who may have fled to that country—not warranted by the extradition treaty. It also represents that, although Mexican citizens, fugitives from Texas, have recently been given up by authorities in Mexico for trial in the United States, this was done as an act of courtesy, not required by the treaty, and is not to be construed as a precedent. You also ask whether it is the purpose of this government to reciprocate the course adopted by Mexican authorities in the case adverted to.

In reply, I regret to state that this question is regarded as of too sweeping and general a character to be answered at once and with precision. I may, however, remark that it was obviously the expectation of the framers of the treaty of the 11th December, 1861, that most of the cases for extradition would arise on the frontier. Hence the local authorities there are empowered to carry the treaty into effect. It is also plain that, although the purpose of that instrument was to allow those authorities entire discretion in ordinary cases, the phraseology admits, and was no doubt intended to reserve, a right of appeal to the government at Washington or Mexico, respectively, in extraordinary cases. If therefore the proper authorities on the United States side of the line should decide that there is sufficient proof against a United States citizen charged with committing a crime in Mexico, but should refuse to give him up, appeal may be made here. The case will then be considered in a candid and circumspect spirit, and will be decided accordingly.

I avail, &c.,

F. W. SEWARD,  
*Acting Secretary.*

---

No. 379.

*Mr. Cuellar to Mr. Evarts.*

[Translation.]

LEGATION OF MEXICO IN THE UNITED STATES,  
*Washington, April 27, 1878. (Received April 29.)*

SIR: Toward the close of February last the sheriff of one of the frontier counties of Texas visited the Mexican judicial district of the Rio Grande for the purpose of denouncing and securing two persons who, on the 23d of that month, had murdered an American citizen named W. Berry, together with his servant, one Juan Diaz, and who had then escaped and crossed over to the territory of Mexico. The judge of the Rio Grande district at once caused a letter to be prepared, which he placed in the hands of the aforesaid sheriff, requesting the Mexican authorities to lend him efficient aid in pursuing the murderers. As a consequence, two persons named Juan Nieto and Pánfilo Bativerrez were apprehended

by the local judge of Muzquiz, and delivered to the Texan sheriff, Wm. M. Cabe, who formally promised to surrender them to the judge of the Rio Grande district, in whose jurisdiction they were. The military authorities of said district likewise adopted efficient measures for the discovery and apprehension of the criminals, and, with a view to preventing their escape, with regard to which some fears had been expressed, they sent an escort to guard the prisoners on their way from Musquiz to Rio Grande. This measure, however, was of no avail, because the Texan sheriff, to whom the two supposed criminals had been delivered, took them by unfrequented paths until he reached the frontier, when he crossed and placed them in custody on American soil. The judge of Rio Grande, whose jurisdiction had been thus violated, addressed the justice of the peace at Eagle Pass, demanding the surrender of the prisoners and complaining of the proceeding of the sheriff. According to information received by this legation, the complaint resulted in nothing. In consequence of this, the government of Mexico sends me the documents, of which I herewith transmit copies, and which corroborate the foregoing statements, instructing me to call the attention of your Department to them, and to request, as I hereby have the honor to do, that you will be pleased to take proper measures in order that the two persons who have been thus irregularly removed from the jurisdiction of one of the Mexican judges may be returned to him, as is right and proper, that he may decide concerning their extradition on the terms established by the treaty governing such cases.

I need not remind you, Mr. Secretary, of the gravity of the outrage which has been done in this case to the sovereignty of the Mexican nation, nor of the injury which is done by acts such as the one which occasions this note to security and good order in the border districts of both republics, and to cordial relations between their inhabitants. The press of the United States referred several days ago to the event for which the inclosed documents serve as evidence. By it was shown the sincere desire of the judicial and military authorities of Mexico to prevent criminals seeking refuge in the border States of the republic from going unpunished. Unfortunately, however, their efforts were not well reciprocated in the present case by the authorities of Texas, and if the irregularity of their conduct does not call forth, on the part of the superior authorities, such measures as the Government of Mexico thinks that it has a right to expect, not only may these deplorable acts be repeated in future, but they may exert a bad influence upon the sentiments of the Mexicans who inhabit the border districts, and who, as this very case justifies me in asserting, are disposed to co-operate with the people and the authorities of the United States in the re-establishment of harmony, order, and regularity on the banks of the Rio Grande. It is evident that the attainment of this desirable object will be greatly facilitated if the local officers on the frontier recognize the sovereignty of both republics as the limit of their action, and the treaties which bind them as their guides.

Flattering myself that I shall receive a reply to this note as speedily as the business of your Department will permit,

I have, &c.,

JOSÉ T. DE CUELLAR.

---

[Inclosure.—Translation.]

*Court documents mentioned in the foregoing note.*

Court of the district of Rio Grande de Zaragoza.

The licentiate Higienio Sada, judge of the district of Rio Grande, and extradition agent on this frontier, unto you, the local and auxiliary judges and overseers of estates

and ranches, unto whom these presents may come, be it known: That the sheriff, F. N. Zorn, the bearer hereof, with two other men, armed, and Pedro Ramos, a resident of this district, are about to start in pursuit of two men whose names are unknown, but whom Pedro Ramos knows by sight; which persons during the night of the 24th of the current month murdered an American citizen named W. Berry and his servant Juan Diaz, in Texas, and then crossed to this side of the Rio Grande. The aforesaid persons are of medium height; one of them of dark complexion, having a thin beard, and the other spare, with little beard, and twenty-five or thirty years of age.

Therefore, in the name of the supreme powers, both federal and State, I exhort and require you, as soon as this is presented to you, to lend the aforesaid sheriff such aid as he may solicit, he to make payment of the proper charges, until the said persons shall be apprehended and brought before this court.

Done at the town of Piedras Negras, on the 25th day of the month of February, 1878. Signed by me the aforesaid judge and extradition agent, with assisting witnesses. I certify.

Lic. HIGIENO SADA.

### Second local court of Muzquiz.

MUZQUIZ, February 28, 1878.

Let the requirement be complied with, and when this shall have been done, let it be returned. The second local judge, the citizen Victoriano Rodriguez, issued and signed it. We certify.

VICTORIANO RODRIGUEZ.

Witnesses:

JULIAN RIOS.  
M. GUAJARDO.

MUZQUIZ, March 1, 1878.

On this day this court summoned Pedro Ramos, who is mentioned in the present letter requisitorial, to appear before it, and having shown him two persons, who had been arrested by the police on suspicion, and he having sworn to tell the truth; and repeating his declaration that he would recognize the persons who were wanted, if they should be shown to him, said after examining them that he thought they were the persons, but that Mr. Herman Klemans, clerk for Mr. James Kiddle, of Eagle Pass, would know them better, because he (deponent) presented them to Mr. Klemans, that he might make an arrangement with them concerning some work. He added that he was forty years of age, married, by occupation a mechanic, and a resident of Piedras Negras, and he signed with the undersigned judge and witnesses. We certify.

VICTORIANO RODRIGUEZ.

Witnesses:

PEDRO RAMOS.  
M. GUAJARDO.  
JULIAN RIOS.

MUZQUIZ, March 1, 1878.

Subsequently, I caused to appear one of the persons under arrest, and he, having sworn to tell the truth, said that his name was Juan Nieto, that he was unmarried, twenty-five years of age, by occupation an agricultural laborer, and an inhabitant of this town. When asked how many days he had been absent from this town, where he had been, and what he had been doing, and with what persons he had associated, who accompanied him on his return, when he left the place where he was, and on what day he arrived here, also what persons he met on the road, he said that he left this place eight days ago, and went to Piedras Negras to look for work; that he joined other laborers whose names he did not know; that in order to come to this place he joined the other prisoner, whose name is Panfilo; that he is ignorant of his surname: that at Ojo de Agua de Yarza he met Don Epitacio de Mondragon, and that in the plain of San José he met Mr. Gonzales, the comedian, and afterwards the postman; that he left on Saturday of last week, and reached this town on Tuesday last, and that he is now stopping at the house of a Mrs. Refugio; that they came on foot, and that he does not know the name of the person with whom he worked at Piedras Negras.

The foregoing was read to him and he ratified it, not signing because he was unable to write. We certify.

VICTORIANO RODRIGUEZ.

Witnesses:

M. GUAJARDO.  
JULIAN RIOS.

Next, in the presence of the prisoner, Juan Nieto, the foregoing statement was read, and he said that it was the same that he made, and that he affirmed its contents to

be true, ratifying it under the oath which he had taken, and which he repeated, to tell the truth.

VICTO. RODRIGUEZ.

Witness:

JULIAN RIOS.

I next summoned the other prisoner, who, having sworn to tell the truth, said that his name was Pánfilo Bativerres; that he was unmarried, from twenty to twenty-two years of age, a native of San Buenaventura, by occupation a laborer, and a resident of this town. Being asked how long it was since he left this town, where he had been, in what he had busied himself during that time, where he had lodged, who accompanied him on his return, when he left, and what day he arrived here, and what persons he met on the way, he said that he left here about nine days ago, and that he went from here to Piedras Negras to look for work, but that during his absence he busied himself in nothing; that at Piedras Negras he joined Juan Nieto, and came with him to this town; that he left there last week; that on the road they met Don Epitacio Mondragon, and no other person; that he arrived here on Tuesday; that he did not go to Eagle Pass at all. At this juncture the prisoners were confronted on account of the contradiction observed between their statements; Juan Nieto asserting that Pánfilo Bativerres lent him a pistol, of which the police took possession, and Bativerres saying that he found it beyond Morelos, and also because Nieto says that it was at Eagle Pass, Texas, that he saw Bativerres, which statement the latter denied. When confronted, Nieto insisted that Bativerres had lent him the pistol at Piedras Negras, and Bativerres insisted that he found it beyond Morelos; Nieto also asserted that he met and conversed with Bativerres at Eagle Pass, Texas, and the latter denied that he had crossed to the other side of the Rio Grande; he stated that he found the pistol in question while on his way to Piedras Negras; and each one insisting upon his declaration, the examination was concluded, Bativerres repenting his declaration, which he did not sign on account of his inability to write. We certify.

VICTORIANO RODRIGUEZ.

Witnesses:

M. GUAJARDO.

JULIAN RIOS.

Next, Pánfilo Bativerres being present, his foregoing declaration was read to him, and under the oath which he had already taken he said that it was the same that he had made, and he declared that it was true, not signing because he was unable to write. We certify.

VICTORIANO RODRIGUEZ.

Assisting witnesses:

M. GUAJARDO.

JULIAN RIOS.

MUZQUIZ, March 1, 1878.

According to the provisions of article 344 of the organic law governing criminal cases, Juan Nieto and Pánfilo Bativerres are declared to be under arrest for good cause. Let them be notified, and also the jailer. The local judge of the second court, Victoriano Rodriguez, issued and signed this, with assisting witnesses. We certify.

VICTORIANO RODRIGUEZ.

Assisting witnesses:

M. GUAJARDO.

JULIAN RIOS.

Next, Juan Nieto, and Pánfilo Bativerres, and the jailer, Toribio Gutierrez, being present, were notified of the foregoing, and did not sign, not knowing how. We certify.

VICTORIANO RODRIGUEZ.

Assisting witnesses:

JULIAN RIOS.

M. GUAJARDO.

MUZQUIZ, March 2, 1878.

These proceedings being now concluded, let the papers be sent to the judge making the requisition, together with the alleged criminals, Juan Nieto and Pánfilo Bativerres, and likewise the pistol which was taken from the former. I, the first local judge of the second court, so order, signing with assisting witnesses. We certify.

VICTORIANO RODRIGUEZ.

Assisting witnesses:

JULIAN RIOS.

M. GUAJARDO.

Next, the sheriff, William M. Cabe, being present, the alleged criminals, Nieto and Bativerres, were delivered to him, together with the pistol referred to. He pledged him-

self on his personal responsibility to deliver them safe and sound to the judge of the Rio Grande district, signing in testimony thereof with the undersigned judge and assisting witnesses. We certify.

VICTORIANO RODRIGUEZ.  
F. A. ZORN,  
*Sheriff Maverick County, Texas.*  
By WM. M. CABE, *Deputy Sheriff.*

Assisting witnesses:  
M. GUAJARDO.  
JULIAN RIOS.

MEXICAN REPUBLIC.—MINISTRY OF WAR AND MARINE, SECTION 1, No. 4.

The citizen General Gerónimo Treviño, by a communication dated the 20th ult. and written at Monterey, writes me as follows:

"Gen. A. R. Falcon, in command of the detachments on the northern frontier, under date of the 9th instant, writes to these headquarters as follows: 'A few days since two Mexican servants murdered an American and another Mexican, the overseer of the American's cattle, I believe. The American authorities, knowing that the criminals were from Santa Rosa, and that they had crossed over to Mexico, sent a deputy sheriff to get a permit from the judge to arrest them. Said judge, who is now at Saltillo, perhaps with permission, gave him letters requisitorial, as I am informed, in order that Mr. James W. Ridder might go to make the arrest. At the suggestion of several Americans and the sheriff he came and asked me to give said deputy a letter requesting the authorities to aid him, which I did. On the 2d instant Ridder informed me that the magistrate at Santa Rosa refused to surrender the prisoners, who had been arrested, and that the sheriff or deputy regarded that refusal as indicating a purpose to abet their escape. For my own part, desiring to remove all suspicion, I wrote him a letter representing the unpleasant consequences (for Mexico) of the escape of those criminals, and requesting him to send them to the judge of the Rio Grande district. On the following day Ridder came to me again, and told me that he feared, for some reason which I do not remember, that the prisoners would be rescued on the way, and I consequently ordered Lieut. Donaciano Maldonado to go with five men to Santa Rosa to guard them until they should be delivered to the acting judge of the Rio Grande district, the judge himself being absent at the time. The magistrate at Santa Rosa, trusting to the pledge given by the deputy to deliver them safe and sound to the judge who had issued the letters requisitorial, intrusted the criminals to his custody. His escort consisted of three Mexicans, who were paid by him, and with whom, in violation of his pledge, he took a by-way and crossed with the criminals to the territory of the United States. As you may suppose, Lieutenant Maldonado found neither the prisoners nor those who had charge of them, because they did not travel by the main road. The judge who issued the letters requisitorial has already addressed an earnest request to the American authorities for the return of the prisoners, but as he has thus far received no reply, we do not know what course to take. As soon as that judge shall have answered the communication that was addressed to him I will inform you. The criminals were taken over to Texas on the 7th instant. I have the honor to communicate the foregoing for your information.'" And I have the honor to transcribe it to you for your information and for such purposes as you may deem proper.

Liberty and the constitution.  
Mexico, April 1, 1878.

GONZALES.

The Citizen MINISTER OF FOREIGN RELATIONS.

DEPARTMENT OF STATE OF FOREIGN RELATIONS.—AMERICAN SECTION.

A stamp bearing the words "Court of the Rio Grande district."—Substitute.

Yesterday, at six o'clock in the afternoon, this court received an expediente which had been given by Buselul, the guard to Quirino Mendoza, for him to deliver it to me. It contains an account of the capture of Juan Nieto and Pánfilo Bativerres, by order of the second local court of the town of Muzquiz, in compliance with the letters requisitorial issued by this court and delivered to J. A. Zons (elsewhere written F. A. Zorn), the sheriff, that he might pursue the parties who, on the night of the 23d ultimo, murdered an American citizen named W. Berry, and his servant named Juan Diaz, in Texas, which crime is imputed to the said Nieto and Bativerres, and as only the expediente was received, and not the criminals, owing to the fact that the aforesaid Sheriff Zons took them by unfrequented roads to the frontier, where he crossed with them, without delivering them to this court, as he solemnly pledged himself to do before the local judge of the aforesaid town of Muzquiz; I therefore earnestly request you to return said persons, that they may be tried and sentenced according to the laws and usages of the courts of our country, for they are natives and residents of Mexico,

and the sheriff had no right whatever to take them to the other side, nor can they be tried there legally; if it is done, it will be in utter violation and disregard of the extradition treaty in force between the two countries, which has been faithfully executed by Mexico, at least in this part of the frontier. When Sheriff Zons came to this court, letters requisitorial were issued for the pursuit of certain criminals; and, treating the case with due disinterestedness and comity, said letters were delivered to him, and Pedro Ramos was directed to accompany him, he knowing the criminals by sight. Subsequently, having learned that the aforesaid delinquents had been arrested in the town of Muzquiz, the citizen General Falcon immediately ordered one of the best officers of his brigade, with an escort, to proceed to said town by forced marches, and to guard said prisoners until they should reach here; all these precautions were in vain, however, for neither on the way nor at Muzquiz did the officer find the prisoners or those having them in charge, they having already left for this place. The act of the aforesaid sheriff, J. A. Zons, is an offense against the law and a dishonorable act, which deserves the severest punishment; for this purpose I duly inform you of the fact, and if it is not in your power to inflict such punishment, that you bring it to the notice of the proper superior authorities, sending them this note. In the report of the apprehension and examination of the aforesaid criminals are found the following words:

"Next the sheriff, William M. Cabe, being present, the alleged criminals, Nieto and Bativerres, were delivered to him, together with the pistol referred to. He pledged himself, on his personal responsibility, to deliver them safe and sound to the judge of the Rio Grande district, signing in testimony thereof with the undersigned judge and assisting witnesses. We certify.

"Assisting witnesses:

"M. GUAJARDO.

"JULIAN RIOS."

"VICTORIANO RODRIGUEZ.

"J. A. ZONS (F. A. Zorn),

"Sheriff Maverick County, Texas,  
"By W. M. CABE, Deputy Sheriff.

By this paper, and by the whole expediente, is shown the good faith and upright intentions of the Mexican authorities in this case, and, on the other hand, the bad return made and the lack of dignity shown by the sheriff aforesaid, which is a matter of public notoriety, and the authorities of Texas ought not, in my judgment, to have overlooked it if they desire to maintain friendly relations and to fulfill the provisions of the law governing extradition; but they should have ordered the prisoners to be surrendered to my authority before receiving any complaint, since they (the prisoners) are natives of this country. I will therefore now simply request you to be pleased to order the prisoners Nieto and Bativerres to be delivered to me that they may be tried according to law; if you are unwilling to accede to this request, be pleased so to inform me.

Liberty in the constitution.

Piedras Negras, March 7, 1878.

JOSE ANGEL MALDONADO. (A flourish.)

The citizen FREDERICK DEL,

*Justice of the Peace, Eagle Pass, Tex.*

The foregoing is a copy of the communication sent to the aforesaid justice of the peace. I certify.

JOSE ANGEL MALDONADO,

*Acting Judge of the District of Rio Grande, in the State of Coahuila de Zaragoza.*

A stamp which says: "Presidency of the town board (ayuntamiento) of Piedras Negras."

It being indispensable for the general to have exact information concerning the kidnapping of Juan Nieto and Panfilo Bativerres by a sheriff from the other side of the Rio Grande, I request you to deign to send the original expediente to the minister of foreign relations, to the end that the superior authorities may take such steps in the case as they may think proper, and I also request you to deign to communicate the whole history of the case to said ministry.

Independence and liberty in the constitution.

March 13, 1878.

JOSE M. GONZALEZ.

The citizen JUDGE OF THIS DISTRICT, *Present.*

The foregoing are correct copies of their originals.

Mexico, April 8, 1878.

JOSE FERNANDEZ, *Chief Clerk.*

A copy.

CAYETANO ROMERO, *Second Secretary.*



No. 380.

*Mr. de Cuellar to Mr. Evarts.*

[Translation.]

LEGATION OF MEXICO IN THE UNITED STATES,  
*Washington, May 3, 1878. (Received May 3.)*

SIR: The newspapers of Texas, and letters from that State, have spoken recently of certain preparations that were being made there with a view to disturbing peace and order in the Mexican districts bordering on the Rio Grande. The confidential agent of the Mexican Government in this country recently called the attention of your Department, unofficially, not only to these reports, but also to those received by this legation from the Mexican commercial agent at San Antonio, which refer to certain persons who are at the head of the conspiracy, and to certain places where it is asserted that arms have been deposited, which are to be distributed among the promoters of disorder. The reports from Texas designate General Escobedo as the director of these machinations, and state that he was in the vicinity of San Antonio at last accounts.

The confidential agent of Mexico informs this legation that he has had the honor to leave at your Department a note alluding to several of the places above indicated. The latest reports published by the newspapers go still farther, and speak of bands organized in Texas that have crossed the frontier, and even come into collision with the Mexican troops guarding it. The papers of to-day regard these reports (which as late as yesterday did not seem to come from a perfectly reliable source) as official, referring to dispatches received by General Ord from one of his subordinate officers. You will be able to see this in the number of the National Republican which I send with this note.

At the same time the Mexican Government, which is no doubt aware of the machinations to which I have referred, instructs me by telegraph to call the attention of your Department formally to them. The publicity of the facts, the announcement of them which has been made for several days past, the verbal information communicated to your Department by the confidential agent of Mexico, and the determination recently manifested by the Government of the United States not to permit the neutrality laws of this country to be violated to the detriment of the peace enjoyed by the neighboring republic, lead me to hope that the Department of State will be pleased to use its influence with the proper department to induce it to take the necessary measures to prevent the organization in Texas of elements with which it is sought to disturb security and order on the Mexican side of the Rio Grande.

I have, &amp;c.,

JOSE T. DE CUELLAR.

[Inclosure.]

[Extract from the National Republican, Washington, May 3, 1878.]

THE MEXICAN REVOLUTION—PLANS OF THE INSURGENTS—REVOLT OF TROOPS ANTICIPATED.

GALVESTON, TEX., May 2.

A News special telegram from General Sweitzer to General Ord says the Mexican revolutionists crossed from Texas into Mexico on the night of April 27, at Octams Capote and La Palma, supposed to number 300, under the direction of Colonel Munoz, of Escobedo's staff. It is the programme for a party to cross near Rio Grande City and take Camargo; but it is not believed they will be able to do so. The garrisons of Mier and Matamoros are expected to pronounce against Diaz.

No. 381.

*Mr. de Zamacona to Mr. Evarts.*

[Translation.]

LEGATION OF MEXICO IN THE UNITED STATES,  
*Washington, May 6, 1878. (Received May 6.)*

SIR: I am informed by the note of your Department, dated the 4th instant, that the Chief Magistrate of this republic will vouchsafe to receive me to-morrow at noon, affording me occasion to present to him my credentials as envoy extraordinary and minister plenipotentiary of the Government of Mexico.

Availing myself of the benevolent invitation which the same note contains, I shall be in your Department shortly before the ceremony, in order to be conducted to the mansion of His Excellency the President.

I avail, &amp;c.,

M. DE ZAMACONA.

No. 382.

*Mr. Evarts to Mr. de Zamacona.*DEPARTMENT OF STATE,  
*Washington, May 8, 1878.*

SIR: I have the honor to acknowledge the receipt of the note addressed to me by Mr. de Cuellar upon the 27th ultimo, representing that in February last the sheriff of one of the frontier counties of Texas obtained, on Mexican territory, through the instrumentality of the Mexican judge of the Rio Grande district, two fugitives, understood to be Mexicans, who, it is alleged, had committed a murder in Texas. These fugitives, he states, were apprehended by the local judge of Muzquiz and delivered to the sheriff, who promised to take them before the judge of the Rio Grande district, but instead of doing so, and in violation of the stipulations of the treaty, carried them by unfrequented paths into Texas, where he put them in confinement; and that the judge of Rio Grande addressed the justice of the peace at Eagle Pass, within whose jurisdiction the prisoners were placed, demanding their surrender, without success. Mr. de Cuellar therefore requests the intervention of the Government in the matter, in order that the alleged criminals may be returned to the proper Mexican judge for his decision upon their extradition.

I regret to learn that the provisions of the treaty of extradition with Mexico have been disregarded, as they appear to have been in this instance. The attention of the governor of Texas will be called to the circumstances of the case, with a view to repairing the injury which seems to have been committed.

Be pleased, &amp;c.,

WM. M. EVARTS.

No. 383.

*Mr. de Zamacona to Mr. Evarts.*

[Translation.]

LEGATION OF MEXICO IN THE UNITED STATES,  
*Washington, June 8, 1878. (Received June 11.)*

MR. SECRETARY: Early last month, while the undersigned was still acting as confidential agent of the Mexican Government, he had the

honor to call the attention of the Department of State, in personal conferences with the Assistant Secretary of State, to the preparations which were being made in some parts of Texas to disturb public order in the districts on the Mexican frontier; and he even left a written note in which were mentioned certain persons who were implicated in the machination, and various places where arms were deposited. The legation, at the head of which I have since been placed, likewise had the honor to address a note, about the same time, to the Department of State, in relation to the same matter, and received a reply dated May 7, in which it was informed that measures had been taken to prevent and (the case arising) to punish any violation of the neutrality laws.

Subsequent occurrences have shown that the foundation of these reports was not imaginary. During the past two weeks various parties of men, enlisted and armed in Texas, have crossed from that State to the territory of Mexico, creating local disorders which will not extend to the interior of the country, but which may exert a pernicious influence in the frontier districts. The facts to which I refer are proved by official telegrams which the ministry of foreign relations has communicated to this legation, and of which I transmit a copy. I also inclose (with a translation) a note which the ministry of foreign relations of Mexico sent me by the last mail, and which was addressed to the commercial agent of Mexico at San Antonio by the military commandant of the line to which the threatened districts belong. Said note refers to recent cases in which the Mexican side of the Rio Grande has been invaded by armed men from Texas, the circumstances being stated that among those who have crossed to Mexican territory, and who have disturbed order and committed depredations and other outrages there, are several citizens of the United States, whose names are given.

The inclosures to this note agree, in the main, with the reports which the newspapers have been publishing here recently, not only in respect to the movement of revolutionists and marauders from Texas to Mexico, but to the regular organization and enlistment of this class of men in that State. Among other newspapers, the National Republican, of this city, published, on the 4th instant, a dispatch dated the day previous, at San Antonio, and referring to the enlistments that were taking place there for the purpose of disturbing the peace on the Mexican frontier, and especially to a party that had left the day before with that object.

The Government of Mexico instructs me to call the attention of the Department of State to these facts, expressing the hope that fresh orders will be issued calculated to render more efficient the measures referred to in the note with which the Department of State was pleased to honor this legation on the 7th ultimo.

I have, &c.,

M. DE ZAMACONA.

---

[Inclosure 1.—Translation.]

*Gen. Canales to the commercial agent of Mexico at San Antonio.*

MEXICAN REPUBLIC.—MILITARY LINE OF THE STATES OF SAN LUIS POTOSI, TAMAULIPAS, AND VERA CRUZ.

GENERAL-IN-CHIEF: Early in the morning of the 27th, the troops enlisted in Texas by Escobedo, Maunay, and other Lerdist chiefs, crossed the Rio Grande at various points.

A detachment of the Matamoros garrison gave battle to a force of 100 of the invaders, and succeeded in dispersing them, taking several prisoners. Another body which was coming to attack this place stopped to plunder the ranches on the way, and

to rob the travelers they met on the high roads. The wagon-train of Mr. Indalecio Garcia, which they met on the road, was robbed of a large amount of goods.

The telegraph line has been cut in several places, and communication between this place and Matamoras has been interrupted for three days. We were also cut off from Camargo for two days. This raid was simultaneous with another by a band of Indians, who crossed the river below New Laredo, at Eslacas. It thus happened that when my troops ought to have been on the most uninhabited point on the frontier, to protect the peaceable inhabitants on both sides of the river, I was compelled to keep them here to check the advance of the revolutionists.

I inform you of these troubles in order that you may, in the proper defense of our rights, explain to the authorities of the State of Texas the damages caused to the inhabitants of the frontier by the invasions periodically made into our country by forces organized and armed in that State. In proof of this I beg that you will inform the said authorities that among the persons who were engaged in the plunder of Mr. Garcia's train were the following-named American citizens, John Dorsey, James Weber, Marcelino Weber, Urbino Singleberry, and James Rutledge.

I have not yet been able to ascertain the amount of damage that has been sustained by the government and private individuals by the raids of these parties. I will inform you of that when the reports are received. For the present I content myself with telling you what I know thus far, as I believe it highly important that the American authorities should be advised of what is going on, in order that they may take the proper measures to prevent these incursions which affect not only the honest and peaceable inhabitants along the border, but the credit of a country so enlightened and civilized as the United States.

Please acknowledge the receipt of this note.

Liberty in the constitution.

Raynosa, April 29, 1878.

S. CANALES.

To the private commercial agent of Mexico at San Antonio de Bexar (Texas).

---

[Inclosure 2.—Translation.]

*Official telegrams.*

(Sent from Camargo April 27, 1878.)

To the Minister of War:

General Cuellar last night sent me the following telegram:

"The Lerdists have moved from Brownsville: they will cross to-morrow; their plan is to strike a blow—Salinas moving for this purpose from wherever he may be to help them in the operation of the Sierrita (small range of mountains); another party will also move from Davis, down the stream. I have issued the necessary orders."

I communicate it to you for your information.

SERVANDO CANALES.

---

(Sent from Camargo on the 27th of April, 1878.)

To the Minister of War:

As stated by Cuellar, the enlisted men from the other side crossed to-day.

SERVANDO CANALES.

---

(Sent from Camargo April 27, 1878. Received at the city of Mexico at 8.10 p. m.)

Citizen Minister of War:

Invading force from Texas crossed river last night opposite Reynosa.

M. SEVILLA.

---

(Sent from Reynosa April 29, 1878. Received at the city of Mexico, at 10.20 p. m.)

Citizen Minister of War:

The men enlisted in Texas, divided in several parties, have crossed to this side at various points. I am going to write to the commercial agent of Mexico at San Antonio to the end that he may inform the authorities of that State of the evils which the inhabitants of the frontier are suffering in consequence of the periodical invasions of our territory by forces organized and armed in United States territory.

SERVANDO CANALES.

(Sent from Reynosa April 29, 1878. Received at the city of Mexico at 10.13 p. m.)  
 Citizen Minister of War:

A party of revolutionists from Texas, numbering 100, were to-day beaten and dispersed at Capote's ranch. They left several prisoners, nine Spencer rifles, and a horse in the hands of the government forces.

R. CUELLAR.

(Sent from Reynosa April 29, 1878. Received at the city of Mexico at 10.54 p. m.)  
 Citizen Minister of War:

I beg you to inform the secretary of foreign relations that, in obedience to the President's orders, I this day address the commercial agent of Mexico, at San Antonio de Béxar, informing him of the injuries suffered by the inhabitants of the frontier in consequence of the periodical invasions of bands organized and armed on American soil, which come to rob the inhabitants of this frontier, and who, this last time, were accompanied by several Texans.

S. CANALES.

(Sent from Reynosa April 30, 1878. Received at the city of Mexico the same day at 10.58 p. m.)  
 Citizen Secretary of War:

General R. Cuellar sent me the following yesterday from Matamoras:  
 "I have learned from prisoners taken from the enemy that the total number of enlisted men is from 160 to 200, who have crossed with all the leaders who were in Texas."

S. CANALES.

(Left at the telegraph office at Reynosa April 30, 1878. Received at the city of Mexico May 1, 1878, at 9.15 a. m.)  
 Citizen Minister of War:

Lerdists crossed yesterday at La Rosita, Palma, and Retama.

S. CANALES.

(Deposited at Monterey May 1, 1878. Received at the city of Mexico at 12.45 p. m.)  
 Department of Gubernation, under date of the 29th.

General Canales sends me the following:

"Lient. Col. Encarnacion Garza has routed 100 men at Capote of those enlisted in Texas. Among them were Americans and colored men from the State of Texas."

C. GARZA GARCIA.

(Deposited at Reynosa April 29, 1878. Received at city of Mexico same day at 11.35 a. m.)  
 Messrs. Martinez and A. Perales:

Below Nueva Laredo, at Las Estacas, a band of savage Indians have crossed. They were armed, and had 400 stolen animals with them. Commandant Esteban Ramos has gone to give them a thrashing. I am awaiting the result. The invasion of the Indians occurs coincidently with that of the Lerdists below this point.

S. CANALES.

The foregoing are copies.  
 Washington, June 8, 1878.

JOSÉ T. DE CUELLAR,  
*Secretary.*

No. 384.

*Mr. Seward to Mr. de Zamacona.*

DEPARTMENT OF STATE,  
 Washington, July 22, 1878.

SIR: Referring to your note of the 8th of June, in relation to the alleged invasion of Mexican territory by armed men from Texas, and

also to the reply of the 24th of the same month, I have now the honor to inform you that a letter, under date of the 19th instant, has been received from the Attorney-General, with a copy of a letter from the United States attorney at Austin, Tex. (to whom instructions in the matter had been sent), in which he states that he will take prompt action, but that much difficulty is presented in regard to the prosecution of those who have violated the law in this connection, from the fact that substantial evidence in support of the same cannot readily be obtained.

I avail, &c.,

F. W. SEWARD,  
*Acting Secretary.*

No. 385.

*Mr. de Zamacona to Mr. Evarts.*

[Translation.]

LEGATION OF MEXICO IN THE UNITED STATES,  
*Washington, July 31, 1878. (Received August 3.)*

MR. SECRETARY: The allusion contained in one of the notes with which I have recently been honored by the Department of State, to the difficulties encountered in Texas in convicting of an infraction of the neutrality laws those persons who have been conspiring for some months past against the peace of Mexico, induces me to communicate to your Department, as I hereby do by means of the inclosed documents, the detailed reports which I have received on this subject from the Mexican consul at San Antonio, and some of the frontier Mexican authorities.

Although the criminal intent of the conspirators has proved a failure for the present, having been frustrated by the repressive energy of the Mexican troops and the condemnation of public sentiment, they will very probably renew their efforts if the facts indicate to them that they have in Texas a place of refuge, very near to Mexico, where they can safely conspire and be sure of a secure retreat in the event of a failure.

I have, &c.,

M. DE ZAMACONA.

[Inclosure 1.—Translation.]

*Extract from the report of the Mexican consul at San Antonio.*

During the month of March last, the leaders of the revolutionary movement against Mexico, in New York, promised to General Escobedo \$12,000 in cash, together with 1,000 rifles, and ammunition to correspond. This promise was fulfilled during the same month of March. The house of Frederick Probst & Co., New York, delivered the money, and that of Enrique Mexia, of Austin, a portion of the arms; the other was purchased by Escobedo himself in New York. At the close of April Messrs. Wulff & Labbat, merchants of San Antonio, received the arms sent by Escobedo, which were to go to Eagle Pass, and which were consigned to Mr. Daniel Wüste; from Galveston, also, others were sent to Corpus Christi.

On the 1st of May, Escobedo was very near to San Antonio, and some persons declare that he entered this town on the day following, whence, after nightfall, he proceeded in the direction of Eagle Pass, where he arrived without touching Fort Clark. At Eagle Pass he entered into correspondence with Don José Maria Cárdenas, at Pacuache, and José Martínez at Las Islitas. He was subsequently at these ranches, continuing his march by by-roads towards Laredo.

His purpose was to surprise the garrison at Piedras Negras, and to attack the convoy which was conducting the supplies for the troops of that garrison.

From New Orleans, Escobedo sent a person named Peña to San Luis Potosi with

letters to Sanchez Ribera. He also addressed Lorenzo Fernandez, of Vera Cruz, before leaving New Orleans, sending him supplies and requesting him to make his move toward the last of May. He sent the same request to various subaltern officers of the garrison of Matamoros.

The officers on whom Escobedo was then relying were General Garza Ayala, Colonel Amador, José Martinez, José Cardenas, Julian Carrillo, and Pedro Flores. The plan adopted was to mount and arm very small bands of men, who crossed to the other side in small parties, so as not to cause alarm, coming together in places where there were few inhabitants, without attempting any attack, but confining themselves to collecting horses and arms in order to organize a guerrilla warfare on Mexican soil.

The district of Piedras Negras seemed to Escobedo the best adapted to insure the success of the revolution. He intended to establish his headquarters there, when the guerrillas should have taken possession of the supplies which they found there, and after he should have got possession of the garrison of Piedras Negras.

The principal centers of revolutionary organization on the American side of the river are—

1. Eagle Pass, where, among others, is Escobedo's principal agent, a man named Daniel Wülste, who had charge of the arms for the revolution.

2. The ranch called San Buenaventura, a short distance from Eagle Pass, it being at the extreme left of the line under Escobedo's control.

3. The ranch called Panache, not very far from San Buenaventura, where José María Cárdenas resides, who is one of the most prominent revolutionary leaders under the orders of Escobedo, and upon whom the latter has conferred the appointment of military commandant of Coahuila.

4. The ranch called Las Isitas, owned by José Martinez, who has been appointed by Escobedo military commandant of the district of Piedras Negras, and who is the most energetic leader of the revolutionists.

5. Laredo, Texas, where General Garza Ayala was before he engaged in the revolutionary movement, having charge of a deposit of arms. In place of Garza Ayala, Don Santos Benavides has remained at Laredo in the capacity of revolutionary agent. His business is to furnish the rebels with arms.

6. The ranch called Buenavista, below Laredo, where Escobedo established his headquarters.

7. A place near Brownsville, where Cols. Cornelio Garcia and Ignacio Abrego have been organizing their forces, opposite to a Mexican ranch called La Palma, 16 leagues from Matamoros.

8. The ranch of Don Carlos Danache, also very near Brownsville. This ranch is the headquarters of the revolutionists Mannel Lira and Rafael Garcia.

The majority of these places are in the most thinly-peopled portions of Texas, and some of them are of so little importance that they are not found on the maps of the State.

On the accompanying map these places are with their corresponding numbers. I have been able to place them by the aid of verbal data and by the assistance of the topographer who drew the map.

These are the places, I repeat, where the work of the revolution has been clandestinely carried on, it having consisted in enlisting men, arming, mounting, and conveying them to the other side, one by one, so to speak, until a considerable number were on Mexican soil.

On the 30th of June the Mexican consul received a letter from Laredo which contained the following:

"Everything is quiet. \* \* \* By keeping an eye on Santos Benavides one can be preadvised of any movement, in the near future, of the outside (Lerdist) party, particularly if the movement is intended for the neighborhood of Nuevo Laredo, for, at such times, Santos is willing to advance money, arms, and horses to able-bodied men who will join the ranks of the Lerdists. I am quite positive that the forty men of whom I wrote to you some days ago as having left this town in the night to join the outside party were equipped by him alone. \* \* \*

"What can be done because of MacKenzie crossing the Rio Bravo is eagerly looked for by the Lerdists. They are in hopes that it will cause Diaz to have more enemies among his people on account of non-fulfillment of promises claimed by them to have been made by him in case of the crossing of armed soldiers from the United States." \* \* \*

[Inclosure 1 to inclosure.—Translation.]

*Extract from a report sent by the licentiate Sada, extradition judge.*

The rebels are organizing in full view of the Texan authorities.

The thefts of cattle on the Mexican side are increasing to such an extent that stock-raisers are losing everything. This is due to the difficulty of recovering animals in

Texas, even when they can be found there. The Texan authorities make so many demands and charges that the latter amount to more than the value of the cattle stolen. Sometimes the claimant is told that his cattle are contraband, although the theft is proved. This has frequently happened at Eagle Pass and Las Moras.

*Spoiliations by United States troops.*—During the last invasion the American troops took from the pastures at Remolino more than 50 head of cattle and destroyed several corn-fields, thereby ruining their owners. Some of the latter came here in the hope of recovering their property. Colonel Nuncio and I advised them to send you their papers, the affair being of an international character.

---

[Inclosure 2 to inclosure.—Translation.]

*Extract from the report sent by the president of the ayuntamiento (municipal government or town-board) of Nuevo Laredo, under date of July 15, 1878.*

*Leaders of the revolutionary movement:* Ex-General Lorenzo Garza Ayala. Subalterns: Isidoro Salinas, Pedro Hernandez, Concepcion Botello, Hilario Rodriguez, Jesus Maria de Hoyos, Adrian de Hoyos, and José Maria Garza.

*Center of organization.*—Laredo, Texas. On the day before the rebels crossed the river they met in one of the most thinly peopled districts of Laredo. Don Santos Benavides addressed them, promising to give them the rifles with which he had armed them, and any horses they could steal on the Mexican side of the Bravo; also, to give up the town of Nuevo Laredo to plunder for two hours.

3. *Invasion of Mexico.*—The revolutionary bands crossed the frontier on the 25th of May. They posted themselves on the roads, robbing travelers of whatever they had with them, and kidnapping some. They continued these operations for twelve days, that is, until the 6th of June. On the 23th they occupied a portion of Nuevo Laredo, destroying the fields of grain, outraging the families of the ranchmen of Egido and stopping wayfarers.

4. *Citizenship and character of the rebels.*—Adrian de Hoyos, José Maria Garza, Santos Benavides, and his brothers, Christóbal and Eulalio, although Mexicans by birth, are American citizens and residents of Laredo, Tex. Garza, Hoyos, Salinas, Hernandez, Botello, and Rodriguez are well known as cattle-thieves and smugglers.

5. *Residence of the rebels.*—The majority of them are from the town of Laredo, and from the ranches of the three Benavides brothers, which are situated in Webb County.

6. *Elements of the revolutionary force.*—Santos Benavides has enlisted at Laredo and in its vicinity all the vagabonds of that neighborhood, and has secured the services of all those criminals who, being unable to live in Mexico, desire to aid in the organization of a government which, in consideration of the aid thus rendered it, will grant them immunity from punishment.

7. *Resources of the rebels.*—This revolutionary movement has been mainly promoted by Don Santos Benavides, his two brothers and their circle, which, they being extensive land-holders, is one of considerable extent. They have received from San Antonio two remittances of arms and provisions, purchased, it is said, with \$5,000 furnished by General Escobedo.

*Part taken by H. Adams in the revolution.*—When Salinas sacked the town of Candela, some months since, he took Don Blas de la Barrera prisoner, and refused to release him until he had signed a draft for \$3,000 payable at sight in this city by Mr. Santiago Sanchez. Shortly afterward Mr. H. Adams, an American citizen residing at Laredo, called upon Mr. Sanchez for the purpose of drawing the money. He did not find Mr. Sanchez at home, and learned that he had been informed of the capture and was preparing to arrest the bearer of the draft. Since that time Adams has done everything in his power to aid the revolutionists, receiving from them, in payment for goods, cattle stolen in Mexico which he has driven to the interior of Texas, the greater part of them by way of San Antonio.

9. *Action of the Texan authorities.*—In not a single instance have the Texan authorities of Webb County complied with our requests to arrest the rebels.

10. *Salinas and Pablo Quintana,* the rebel leaders, retired to Texas after they had been routed by Alegria. The one remains at the ranches of the Benavides brothers, and the other at those of the Juarezes and Olveras, residents of the town of Laredo.

---

[Inclosure 3 to inclosure.—Translation.]

*Extract from a report of Colonel Nuncio.*

Inquiries have been made with regard to the damage done by Escobedo, Martinez, and the American troops. A captain of military farmers accused Pepe Cárdenas to the au-



thorities of Eagle Pass as being a revolutionary agent. An opportunity was never given to the accuser to present his evidence, and the accused was acquitted, by what process no one knows.

Cárdenas, Juan Reyes, and José Martínez organize and protect the revolutionists, affording them shelter in their houses until they are ready to sally out on their raids.

---

No. 386.

*Mr. Evarts to Mr. Zamacona.*

DEPARTMENT OF STATE,  
Washington, October 30, 1878.

SIR: Referring to your note of the 31st of July last, in relation to certain statements made to you by the Mexican consul at San Antonio, Texas, in reference to the organization of revolutionary forces in Texas for the purpose of invading Mexico, I have the honor to inform you that a letter has been received from the Secretary of War, communicating a copy of a report from Captain Sellers, commanding officer of Fort McIntosh, Texas, in which he states that he has no knowledge of any revolutionary bands having been organized at Laredo, or that General Garza Ayala and Santos Benavides have been in charge of any arms, or that they have furnished any to rebels, or that forty men left Laredo equipped by Santos Benavides, as was alleged; neither has he any knowledge of any parties of rebels organizing in that vicinity in full view of Texan authorities, or of any cattle having been stolen from Mexico and driven to this side, as was also represented, although he has used every means to ascertain the truth; that if Santos Benavides or others have been engaged in enlisting such men as is represented, it has been done so quietly that none but those concerned know anything about it, and that if Santos Benavides, as is also represented, had addressed a party of rebels at Laredo, promising them to turn over the town of New Laredo to pillage. &c., it is almost certain that the War Department would have been informed of the fact. He adds, there is no doubt that Santos Benavides and his brothers are strong adherents of Lerdo, and that he heard that arms were consigned to them for the revolutionists, but has never been able to obtain any facts in regard to it; that New Laredo has had its representatives in Laredo to watch any revolutionary movement, and if the alleged occurrences were reported by them to the proper authorities he has no knowledge of the fact.

In reference to the reported crossing the frontier on the 25th May by the revolutionary bands, he had made inquiry of General Sykes, commanding the district of the Rio Grande, who stated that he knew nothing of such crossing, and as to the accusation made against Mr. Adams, he is confident that it is a slander, and that, in his opinion, the report was made by Santiago Sanchez, between whom and Mr. Adams there was a personal quarrel; that Isidore Salinas and Pablo Quintana are doubtless guilty of all charged to them, and might have been arrested long ago if the Mexican authorities wanted them; that he has frequently advised the proper authorities of New Laredo to make complaints against Salinas and other revolutionists before the United States commissioner at this place, in order that they could be arrested when found here, and that he was informed by the county judge of Webb County that the latter had never been applied to, either personally or officially, by the Mexican authorities, to arrest revolutionists or rebels.

With reference to the alleged raid of Salinas, he says no troops were sent from New Laredo to intercept his band; that a communication received from the commanding officer of New Laredo did not mention that it was a movement of the Lerdoists, or how many were engaged, but alluded to them as a party of miscreants who had plundered people in Candela and vicinity; that ten of the party, including Salinas, were recognized in Mexico, and were among the party which crossed to this side, and he is of the opinion that it was a band of robbers who had no connection with the Lerdoists, and that he has been informed that they got only about \$500.

He further states that he had received information that Isadore Salinas with forty men had crossed to Mexico below Piedras Negras, and that troops had gone from New Laredo and Piedras Negras in pursuit and had advised that Captain Kennedy be directed to be on the lookout for Salinas' return. He further states that three of Salinas' men, taken by Lieutenant Bellas, between Patafoz and McIntosh, were turned over to him by that officer; that it was supposed that these men were *en route* to join Salinas in Mexico, and that they were well armed and had plenty of ammunition, one of the party holding a written commission designating him as chief of squadron under Salinas, which was signed by one Garza Ayala; that the party have had a hearing at McIntosh before the United States commissioner, and, on the evidence of Lieutenant Bellas, the commissioner decided that the parties should give a bond of \$250 to appear before the United States court at its next session, on the execution and acceptance of which they would be released; adding that he is in possession of their arms and ammunition.

Referring to the statement that the revolutionists occupied a portion of Nuevo Laredo on the 26th June last, he says the camp was about two miles north of that place, on the bank of the river; the troops, numbering about 70 or 75, were under the immediate command of General Garza Ayala, and were probably those referred to by the Mexican consul; if so, the date is incorrect, the camp having been discovered by Captain Kauffman on the morning of the 7th of June. He further states that Lieutenant Fountain was sent across by his order, and was received by General Garza Ayala in person; that Lieutenant Fountain notified him that no one would be permitted to leave our side to join him, and that no parties would be allowed from his side; that we would arrest and disarm any one attempting it; and further, that if his party should engage in a fight and fire upon our side he would at once return the fire.

He further says that (late in the day) he crossed the river and had an interview with Colonel Aleguria, in which he informed him of the situation and invited him to cross to this side in order to show him the exact position of the revolutionary forces, and that if he wished to attack he had a splendid opportunity of doing so, and that he (Captain Sellers) would try and arrest any parties that might be driven to this side; that in reply to his invitation Colonel Aleguria said that he could not go with him; that he then requested that he would send one of his officers, and failing to get any satisfactory answer, he (Captain Sellers) went to the collector of customs and recited the circumstances, remarking that he thought a very lukewarm disposition was shown by Aleguria to disperse the rebels; that he had no particular interest in the matter; that he had come simply as a friend of law and order; that the collector, on learning the result of his interview, went himself to see Aleguria, and that his visit resulted in the sending of an officer to this side, to whom, at about 3.30 p. m., was shown the camp, and that the officer

returned to New Laredo at about 6 p. m.; that the camp, after having been in one place all day of the 7th, was broken up and the troops marched off; that reinforcements having arrived at New Laredo on the 8th, Aleguiria started out at about 6 p. m., twenty-four hours afterwards, to pursue the revolutionists, and, as he was informed by General Soto, on the night of the 9th, the revolutionists had been whipped and completely routed.

I transmit the information thus received, believing that you will recognize in it a complete exculpation of the authorities of this Government upon the frontier, inasmuch as the facts thus presented seem to show a lukewarmness and inefficiency on the Mexican side in singular contrast with the loyal and frank manner in which the officers of the United States have attempted to fulfill the international duty resting upon them to contribute by all the effective means in their power to the preservation of order and the repression of lawless force. It is to be regretted that their efforts were not promptly responded to in the same spirit as that in which they were made.

Accept, &c.,

WM. M. EVARTS.

## MOROCCO.

No. 387.

*Mr. Mathews to Mr. Evarts.*

No. 282.]

CONSULATE OF THE UNITED STATES,  
*Tangier, June 14, 1878. (Received July 17.)*

SIR: I have the honor to inform you that from want of rain the southern part of Morocco, comprising the provinces of Haha, Sous, Aintuga, and the Morocco districts, is suffering from famine, every description of food being exceedingly scarce, and gloomy indeed is the picture of affairs in the rest of the empire. Owing to the drought of the season, starvation is staring the native tribes of the interior in the face. Their fields are completely parched, the crops have entirely failed, and great is their distress for want of employment, gaining their subsistence by tilling the ground and gathering in the crops whenever chance offered.

These poor Bedouins, who vied with each other in assisting their brethren of the Riff coast last year, are now worse off than they were. The want of rain, which would enable them to raise fodder, causes the holders of cattle to bring them into the town to be disposed of as best they can at any sacrifice, as the herds and flocks are dying by thousands. On the 28th ultimo cows were sold for the paltry sum of one dollar each, and the sheep at twenty cents. The mortality of cattle is enormous. Grain is very scarce, and the little that is to be seen in the market is very dear. Prices have risen 300 per cent. Rice and flour are being imported from England and France, but up to the present in small quantities. It is said, however, that large quantities of flour have already left Marseilles for this coast, and but for the Emperor's edict to lay an import duty of fifty cents on each sack of foreign flour imported, I feel sure there would be also direct importations from the United States, where, so far, flour and wheat have ruled at moderate prices.

The crops in Spain will prove very indifferent this year, particularly on the eastern coast, where much barley is generally produced. At Tau-

gier some late showers have done a little good to the fields for the benefit of the cattle; but at Mogador, the province is in a frightful state of misery. The Moors, poor creatures, get no assistance from the government, and little or nothing from their coreligionists. They are mainly dependent upon the charity they receive from foreigners. The Jews are behaving well with their poor brethren. So much misery and want are really distressing. The only food upon which the poorer class subsisted in the province of Haha is yernee, a venomous plant, the root of which is the size and form of a nut. To remove the poison it has to be well washed, boiled, and pounded, and then again heated before it is eaten.

The scenes following on the dreadful calamities of famine and starvation which lately attained to such fearful proportions in India, and are now pursuing their fury of devastation in parts of the Chinese Empire, are, as I have to report with every feeling of sorrow and sympathy, being spread in the southern provinces of this empire, and are spreading and increasing daily, and which cannot be even alleviated until the next harvest, even if favored by a good season, has been sown and gathered; and a moment's reflection will show the many months which must elapse before that can happen under the most favorable circumstances. Even should plentiful rain fall during the coming season, the famine will not be in any way diminished, as no advantage will be derived therefrom by the starving population until the harvest of the next year, and, moreover, most of the poorer peasants will have used up their small hoards of grain kept back for seed, and the animals necessary for the plow will have been carried off by the famine.

A committee of gentlemen interested in Morocco, has lately been formed for the purpose of organizing a relief fund, of which Mr. C. Murdock, of Saffi, is appointed chairman, and Mr. Affalo, secretary, and the total amount of subscriptions promised at the first meeting was \$2,000. Energetic steps will be taken in the matter. The general fund will be devoted to the relief of the distress existing in the seaport towns of Morocco, it being the custom with the starving natives of the interior in times of want to flock to the seaports.

A "Morocco famine relief fund" has already been organized at Gibraltar. I understand from the British minister that his government will subscribe \$1,000, and it is hoped that the many who have visited Morocco, and met with proofs of the kindness and good will invariably shown by the natives to foreign travelers, will respond to their appeal to their feelings of charity.

I have, &c.,

FELIX A. MATHEWS.

---

No. 388.

*Mr. Evarts to Mr. Mathews.*

No. 132.]

DEPARTMENT OF STATE,  
Washington, July 2, 1878.

SIR: I transmit herewith a copy of a letter dated the 15th ultimo, addressed to this Department, by Mr. Meyer S. Isaacs, president, and S. Wolf, vice-president of the board of delegates of American Israelites, New York, requesting that you be instructed to inquire into the condition of the Jews in that empire, and to consult for the amelioration of their status. I also inclose a copy of the reply thereto of the Department, by

which you will perceive that Mr. Isaacs has been informed that, in view of the fact that the informal friendly offices of the United States have, on similar occasions, been exercised with good results, through their representatives abroad, you would be authorized to act in the sense of his request.

You are consequently requested to take such steps toward the accomplishment of the end desired as may be consistent with your international obligations, and the efficiency of your official relations with the Government of Morocco.

I am, &c.,

WM. M. EVARTS.

No. 389.

*Mr. Mathews to Mr. Evarts.*

No. 287.]

CONSULATE OF THE UNITED STATES.  
*Tangier, July 5, 1878. (Received August 15.)*

SIR: I have the honor to transmit herewith inclosed the list of prices of different articles of food which, owing to the complete failure of the crops, are being imported at the various ports of Morocco.

Great distress prevails among the Arabs and the poorer classes of the Jews. Large numbers continue to arrive at the southern ports from the interior and also from the southern districts, who are solely dependent upon the charity given by the European merchants, who distribute daily to the most needy. Hundreds of starving men, women, and children are flocking into Mogador and Saffi, many dying of hunger and sickness on the way. Living skeletons and sickly, emaciated forms are seen in the streets. The famine will grow worse from month to month, and disease, its natural consequence, is already rife among the poor inhabitants, and as autumn and winter approach the distress will be terrible and appalling.

The government do not assist these poor people in any way. The Jews are somewhat relieved by their coreligionists. There is a great deal of disease among them, and still more among the Moors, and a good many cases of death.

I am informed that there are large stacks of both wheat and barley deposited in metamors (subterranean depots), but the owners do not dare to open them for fear of being imprisoned and their grain confiscated by their petty chiefs, which greatly tends to keep up the prices of bread-stuffs.

The only hope left at present for the relief of these poor unfortunate people is the result of the appeals made to the public in England, and the Gibraltar subscriptions.

I have, &c.,

FELIX A. MATHEWS.

[Inclosure in No. 287.]

*List of the prices of grain in the markets at the ports of Morocco on the 1st of July, 1878.*

TANGIER.

Wheat, \$1.62 per measure of 62 pounds, English.

Barley, \$1 per measure of 33 pounds, English.

Dhourra (millet), \$1.30 per measure of 40 pounds, English.

Flour, \$9 per sack of 244 pounds, English.

A specimen of the "dhourra," or fowl seed, which is also used for bread by the natives, is herein inclosed.

## KABAT.

Wheat, \$1.40 per measure of 44 pounds, Moorish.  
 Barley, 62 cents per measure of 24 pounds, Moorish.  
 Pease (garbanzes), \$1.15 per measure of 36 pounds, Moorish.  
 Maize, 75 cents per measure of 36 pounds, Moorish.  
 Dhourra, 94 cents per measure of 36 pounds, Moorish.  
 N. B.—One hundred pounds Moorish equal to 112 pounds English. The four last-mentioned grains in very small supply.

## CASABLANCA.

Wheat, \$6 per measure of 263 pounds, English.  
 Barley, \$3.35 per measure of 180 pounds, English.  
 Beans, \$3.20 per measure of 230 pounds, English.  
 Rice, \$5 per cwt., English.

## MAZAGAN.

Wheat, \$5.50 per measure of 200 pounds, English.  
 Barley, \$3 per measure of 130 pounds, English.  
 Flour, \$4.75 per measure of 118 pounds, English.  
 Rice, \$4.75 per cwt., English.  
 Only small quantities of rice and flour have been imported at Mazagan, the demand being small and only for local consumption, and merchants complain that there is no margin at present prices.

## SAFFI.

Wheat, \$12.50 to \$13.75 per quarter of 480 pounds, English.  
 Barley, \$12 to \$12.50 per quarter of 480 pounds, English.  
 Maize, \$15 per quarter of 480 pounds, English.  
 Rice, \$4 to \$4.50 per cwt., English.  
 Flour, \$5 per cwt., English.

Ordinary value of above in seasons of abundance :

Wheat, \$3 to \$4.50 per quarter of 480 pounds, English.  
 Barley, \$1.75 to \$2 per quarter of 480 pounds, English.  
 Maize, \$3 to \$3.50 per quarter of 480 pounds, English.  
 Rice, \$3.25 to \$3.50 per cwt., English.  
 Flour, not imported.

## MOGADOR.

Wheat, \$12 per quarter of 480 pounds, English.  
 Barley, \$6.12 per karroba of 210 pounds, English.  
 Maize, \$7.50 per karroba of 280 pounds, English.  
 Beans, \$3.50 per karroba of 260 pounds, English.  
 Rice, \$4.60 per cwt., English.

## LARAICHE.

Wheat, \$2.13 per measure of 88 pounds, English.  
 Barley, 87 cents to 98 cents per measure of 53 pounds, English.  
 Dhourra (millet), \$1.15 to \$1.36 per measure of 85 pounds, English.  
 TANGIER, July 1, 1878.

No. 390.

*Mr. Mathews to Mr. Ervarts.*

No. 288.]

CONSULATE OF THE UNITED STATES,  
*Tangier, July 5, 1878. (Received August 15.)*

SIR: I have the honor to inform you that on yesterday, being the anniversary of the independence of our country, I issued to the foreign representatives a circular, of which the inclosed is a copy, to celebrate the glorious event.

My circular was cordially responded to by all the foreign representatives accredited to the Emperor of Morocco.

I have, &c.,

FELIX A. MATHEWS.

[Inclosure in No. 288.]

*Mr. Mathews to the foreign representatives at Tangier.*CONSULATE OF THE UNITED STATES OF AMERICA,  
*Tangier, July 3, 1878.*

GENTLEMEN: To-morrow being the hundredth and second anniversary of the Independence of the United States of America, the flag of the republic will be hoisted at this consulate in honor of the glorious event.

I have, &amp;c.,

FELIX A. MATHEWS.

*The foreign representatives to Mr. Mathews.*

I shall have much pleasure in causing the flags of Great Britain, Austria-Hungary, Denmark, and the Netherlands to be hoisted to-morrow to celebrate the anniversary of the Independence of the United States of America.

J. H. DRUMMOND HAY.

Je m'empresserai avec plaisir de faire arborer demain le pavillon belge et celui des royaumes unis Swede et Norwaeg, à l'occasion de l'anniversaire de l'Indépendance des États Unis d'Amérique.

ERNEST D'ALONIX.

Le pavillon français sera arboré demain sur ma légation en honneur de l'anniversaire de l'Indépendance des États Unis d'Amérique.

M. DE VERNUILLET.

El pavillon nacional flotará en esta legacion de S. M. el Rey de Espana en honor del aniversario de la Independencia de los Estados Unidos de America.

P. O. DE ZUGASTI.

As bandeiras de Portugal e do Brazil sevam arboradas amanta para feste jeir o aniversario da Independencia dos Estados Unidos. Por D. J. D. Colaco.

F. A. MATHEWS.

Con vero piacere farò inalberare domain la regia bandiera italiana sa questa legazione in segna d'esultanza per la ricomenza del anniversario dell'Indipendenza della Grande Republica Americana.

ST. SEOVASSO.

No. 391.

*Mr. Mathews to Mr. Evarts.*

No. 292.]

CONSULATE OF THE UNITED STATES,  
*Tangier, August 7, 1877. (Received September 18.)*

SIR: Referring to my dispatch No. 245, of the 28th July, 1877, informing you that the Sultan had been pleased to present to the foreign representatives a piece of ground for the purpose of enlarging the present Christian cemetery at Tangier, which is now completely filled with graves. I have the honor to acquaint you that at a meeting of the foreign representatives, which took place yesterday, it was resolved that, in order to secure the burial-ground from desecration, it is necessary that it be surrounded by a wall, as it has been found impossible hitherto to prevent the old cemetery, which adjoins the ground ceded by the Sultan, and which is protected on two sides only by a hedge of canes, from being frequently entered into at night by persons of bad character and the tombstones defaced or robbed.

It is estimated that the cost of a wall with entrance-gate and room or lodge will be about \$2,000. Such a sum could not possibly be raised here

by public subscription, as the European population at Tangier consists almost entirely of persons of the poorest class, and with the exception of the members of the foreign missions and consulates there are very few persons who have the means of subscribing to such a work.

I find that during the last five years there have been 148 interments in the cemetery. Out of this number only 25 were of persons possessed of sufficient means to pay the cemetery burial fee.

It being, therefore, useless to attempt to raise the necessary funds for the required works by local subscription, it was unanimously agreed at the meeting of yesterday that application be made by all the foreign representatives to their respective governments for a grant of money for the purpose.

There are thirteen foreign governments represented at Tangier, and should each of these governments consent to contribute the sum of \$155 it would be sufficient for the purpose required, as it is very desirable that the Christian cemetery should be provided with a wall as proposed to protect it from desecration.

I trust that you will authorize me to inform my colleagues that if other governments grant sums of money for this object the United States Government will likewise contribute to the same.

I have, &c.,

FELIX A. MATHEWS.

No. 392.

*Mr. Mathews to Mr. Evarts.*

No. 293.]

CONSULATE OF THE UNITED STATES,  
*Tangier, August 24, 1878. (Received September 18.)*

SIR: I have the honor to inform you that the Asiatic cholera has made its appearance in the cities of Fez and Mequinez.

On the 2d instant some merchants of this place received letters from the city of Mequinez (distant about 170 miles from Tangier) conveying the sad news that the terror of death had commenced to reign there, carrying off daily from 20 to 30 victims.

Close upon this news followed letters, from different sources, from Mequinez all confirming the existence of sickness and death to an alarming extent; and also letters from Fez (distant about 160 miles south of Tangier) giving notice that the same state of public health had likewise commenced already.

Upon the grounds of this private and vague information, as president of the Morocco board of health, I called a meeting of its members, composed of the foreign representatives, and several letters conveying the above news were read, and an agreement unanimously came to to work with will, in order to prevent the spreading of any disease, as far as human work can do it, and more so in a country so superstitious and so unpropitious in every respect for the carrying into effect of any measure requiring the co-operation and good faith of the authorities and people themselves. It was therefore decided to send a physician, Dr. Tadeo Martinez, formerly of the Spanish navy, to Fez and Mequinez, in order to study the disease on the spot, and to report at once to me its character and extent, and, on receipt of the definite information, to take the necessary precautionary measures.

Dr. Martinez left Tangier on Wednesday, the 7th instant, and, after



forcing his way with 200 Moorish troops through the lines of revolutionists besieging Mequinez, entered the city on the 14th August. He found the city, particularly the Jews' quarter, in the most wretched state. Dr. Tadeo Martinez remained at Mequinez two days, during which time he visited several patients whom he found seized with all the well-known symptoms of Asiatic cholera. Dr. Martinez sent at once an express courier with a report, but the man died when about half way between Mequinez and Tangier, the Arabs carrying away the letters and whatever money they found on the body. Dr. Martinez arrived at Tangier yesterday. I herewith inclose a copy of his report to me.

I attribute the origin of the disease—

1st. To the drought, the scarcity and, in some localities, the absence of drinkable water, and life-sustaining nutriment.

2d. The entire want of precautionary measures of cleanliness within and without the houses of the crowded cities of Fez and Mequinez, in some quarters of which offal, filth, dead animals, and dirt of all kinds and origin are allowed to accumulate from year to year, until they reach up to the level of the windows, creating inexpressibly repugnant exhalations of the most deadly and life-destroying miasmas.

3d. The circumstance that so many thousands of pilgrims returning from Mecca carrying with themselves on their bodies and in their clothes, and in the merchandise even, brought there, the germs of diseases so rife in those regions, conglomerate now in the capitals of Morocco; and taking into consideration that the months of July and August, even in normal seasons, show an increase of sickness and deaths, then the present state of health in the above cities should not give rise to alarm abroad as long as Tangier and its environs are free from any contagious disease, from which up to now they are completely so, and through the measures about to be adopted by the board of health, and which I will see are strictly adhered to, very likely will continue to remain so.

I have, &c.,

FELIX A. MATHEWS.

[Inclosure in No. 293.]

*Dr. Martinez to Mr. Mathews.*

CONSEIL SANITAIRE AU MAROC, PRÉSIDENCE,  
Tangier, August 20, 1878.

SIR: I have the honor to report that, according to your instructions, I left Tangier on the 7th of August for the city of Mequinez, which city I reached on the 14th of August, for the purpose of making myself acquainted with the nature of a reported epidemic, said to exist in that city, as also in the city of Fez.

On my arrival in Mequinez, I at once visited some of the patients, paying particular attention to three of them. One had been seized with the disease on the day of my arrival, another on the previous day, and the third three days prior to my arrival in that city. All presented violent symptoms of Asiatic cholera, and, according to report, the same epidemic existed in the city of Fez.

In my opinion, the said epidemic has arisen from the very unsanitary condition of the city.

These cities, which are subject, at present, to this epidemic disease, may probably be a focus of infection, and liable to spread to neighboring towns and cities, there existing already evident proofs by the numerous cases which have occurred in Sherarria, a province bordering on the city of Mequinez.

From the reports obtained from the guardian of the Jewish cemetery, the number of deaths of the Israelites, since the first appearance of the disease to the date of my departure, has exceeded 400. On this last-mentioned day there were only four deaths, and one person attacked at a late hour of the day and presenting no hopes of recovery may add one more to the number, viz, five.

I have, &c.,

TADEO MARTINEZ.

No. 393.

*Mr. Matheus to Mr. Erarts.*

No. 295.]

CONSULATE OF THE UNITED STATES,  
*Tangier, September 20, 1878. (Received November 9.)*

SIR: I have the honor to acknowledge the receipt of your dispatch No. 132, dated July 2, 1878, together with its accompaniments, relative to the request of the president and vice-president of the board of delegates of American Israelites, New York, requesting that I should be instructed to inquire into the condition of the Jews in this empire, and to consult for the amelioration of their status, and to take such steps toward the accomplishment of the end desired, consistent with my international obligations with this government.

I am happy to state that my relations with this Government of Morocco are such that I can exercise my unofficial friendly offices on behalf of the Israelites in this country with good result when required, as it has been the case lately, when a Jewish family was murdered near Laraiche, and another Israelite near Arzila, and the town itself menaced by the Kabyles, who were preparing to murder and plunder all the Israelites in the place. Having received a letter to this effect from the elders of the Hebrew community of Arzila, I lost no time in communicating the same personally to the Moorish minister of foreign affairs, who at once dispatched a messenger to the governor of Laraiche, who, on receipt of our letters, immediately ordered a Kaid and fifty soldiers to Arzila, there to protect the Jewish population, who were in great consternation.

The murderers of the Jewish family are now in prison, and the minister for foreign affairs has assured me that their punishment will be such as to deter others from committing similar acts of violence in future.

I beg to inclose herewith copies of the two letters addressed to me by Mr. M. L. Benshiton, chief of the Israelites of Arzila, requesting my intercession on their behalf, and acknowledging the result of the same.

I shall avail myself of all proper opportunities to accomplish, in the manner you have been pleased to indicate, the ends desired by the board of delegates of American Israelites.

I have, &amp;c.,

FELIX A. MATHEWS.

[Inclosure 1 in No. 295.]

*Mr. Benshiton to Mr. Matheus.*

ARZILA, August 11, 1878.

SIR: I have the honor to inform you, with much regret, that yesterday the Moors killed a Hebrew, by the name of David of Jacob Ederhy, quite close to this town, and that all the environs and gardens of this town are infested with thieves and assassins getting ready to enter and plunder the Israelites, who already do not risk to go out of town for fear of being assassinated and robbed. Thus they are prevented from earning their daily bread at the various markets, and consequently their sufferings on these days of famine, sickness, and misery are great.

For several days past these highwaymen and evil-doers have attempted to scale the town walls; also they tried to break its gates; and all this is taking place for the want of government and police.

In vain we have appealed to the governor of Laraiche for help; and now all the Hebrews of Arzila have come to me to appeal to you, in the name of humanity, that with your influence and good-will you may speak on our behalf with the Moorish Government, and obtain for us some troops that may drive the malefactors away from this neighborhood and protect our lives and properties, now in the most imminent danger; and this act of yours will be a favor which God Almighty will reward you with his blessing and much happiness.

I remain, &amp;c.,

M. L. BENSHTON

Digitized by Google

[Inclosure 2 in No. 295.]

*Mr. Benshiton to Mr. Mathews.*

ARZILA, August 22, 1878.

SIR: I have the honor and great satisfaction to inform you that at nine o'clock this morning 50 soldiers, with their chief, entered this town from Laraiche, sent by the governor of that city for the purpose of defending the lives and property of the Jewish inhabitants of this town, according to your request to the minister of foreign affairs of Morocco.

The inhabitants of Arzila, in the name of whom I have the honor to address you, are full of gratitude toward you for the amiability and prompt attention you have shown in their hour of peril, and implore of the Almighty God that he may reward you with much happiness and prosperity in union of your children, whom may God preserve for infinite years.

I remain, &amp;c.,

W. L. BENSHITON.

No. 394.

*Mr. Mathews to Mr. Evarts.*

No. 296.]

CONSULATE OF THE UNITED STATES,  
*Tangier, September 30, 1878. (Received November 14.)*

SIR: I have the honor to acknowledge receipt of your dispatches numbered 133 and 134.

The state of affairs in Morocco is unchanged, and the state of health is still very unsatisfactory. The need for help is very great, and the appalling misery of the situation has been rather under than over estimated. What is to become of the starving poor in Morocco during the winter and until a good harvest is secured is a question of vital importance to this population, and deserving the serious consideration at least of the countries connected by commercial ties with this empire.

It is hoped that the fact of so little having been done by the Sultan's Government for the relief of the starving people may have no weight in the scale of charity, but that all may subscribe according to their means; for if preventives are not taken, the mortality, particularly at the western ports, must be excessive. At Mogador, where, up to this time, famine has been most felt, the scenes of distress are fearful to behold. Numbers from the interior daily arrive; the weakest, worn out by travel, find at the town gates, or wherever overtaken by the grim hand of death, a release from their lingering agonies; the strongest are relieved by a committee, who distribute the funds generously contributed by sympathetic hearts in England in response to an appeal from a London relief committee. A few benevolent people in Gibraltar have also subscribed, but much more aid is required.

The soup-kitchens established at Mogador under the supervision of Mr. Johnston, honorable secretary to the London committee of the "Morocco Famine Relief Fund," commenced on the 19th ultimo giving *ashua*, a kind of gruel, daily, and have fed from 1,400 to 3,000 people every afternoon. The *ashua* is composed of flour, rice, and water, as well as a certain quantity of meat thrown in to increase the nutriment. The gruel is served in basins holding a pint, and is most comforting to the starving poor, and far more suited to them in their weak condition than bread. The expense of the kitchen at present is from \$400 to \$500 per month. Each bowl of soup costs the fund a fraction over a farthing.

The poor are at present totally without shelter. Among the country people in town there are as many as 30, and sometimes 40, deaths a day. These are almost confined to new-comers, the crucial time being the first

few days after arrival. Many of them have exhausted their energies on the long, famished journey, and die of sheer weakness as soon as they reach a resting place. In town the mortality is high; abdominal typhus carries off its victims after a few hours' illness, while small-pox is telling dreadfully, particularly on young people.

At the port of Safi a relief committee commenced by distributing warm food, provided by local subscriptions, daily to some 600 poor. The number of recipients amounts now to nearly 2,000, and it is impossible that the committee can meet the increasing appeals without assistance. It is calculated that during the last three months over 2,000 people have died from hunger, small-pox, and other diseases.

At Mazagan the consular corps offered to the governor to raise subscriptions to relieve the poor in the place, estimated at 1,000 without resources. The governor not offering his co-operation, no steps are likely to be taken. Cholera has commenced its ravages, notwithstanding all the precautions adopted against it.

At Casablanca the news that Europeans were raising funds for the poor attracted to the place 1,500 half-starved natives, whose presence, unprepared for, may in a no slight degree have contributed to the virulence of the epidemic there.

When the cholera broke out at this port it was generally believed that it was only a slight disease attributable to the feast of Ramadan, but after a few days it attacked Europeans also, and by degrees it developed to such an extent that as many as 103 deaths occurred in one day. When a Moor is attacked he is given cold water, and naturally, after suffering for a day or two, falls a victim. There is a saint named Sidi Beliot to whom they convey every unfortunate rustic who is attacked. The only treatment the Saint adopts is to lay the patient in the open air, without hardly any covering, and to administer frequent doses of cold water, consequently the patient dies after much suffering. But for their religious prejudices I believe that half of them could be saved. You may judge how matters are conducted in this country. I will only mention that the garments used by the Moors who have fallen victims to the cholera, instead of being burned, are at present sold by public auction at the *Socos* (public markets). As to the mode of burying, I can only state that at present it is impossible to pass by the cemeteries on account of the effluvia from so many corpses buried at a depth of only one foot and a half, and the protests against these irregularities, made to the government by the vice-consuls, have been fruitless.

The number of cholera cases and small-pox began to be registered at Casablanca on the 7th instant, and the deaths since have been as follows:

Date.	Cholera.	Small-pox.	Date.	Cholera.	Small-pox.
September 7.....	9	5	September 19.....	56	15
8.....	13	7	20.....	52	13
9.....	19	9	21.....	41	17
10.....	22	6	22.....	38	19
11.....	28	4	23.....	30	14
12.....	43	7	24.....	22	16
13.....	74	10	25.....	22	19
14.....	86	8	26.....	20	21
15.....	108	5	27.....	32	24
16.....	64	7	In 21 days.....	904	246
17.....	62	9			
18.....	68	11			

One thousand one hundred and fifty deaths by cholera and small pox is alarming, considering that Casablanca contains a population, together with the new arrivals, of about 6,000 souls.

Cases of cholera have been reported near Rabat and at Beinhassen, Ducalla, and Sherarda, where the disease is committing ravages.

From Fez it is reported that the malady is again prevalent there.

Cholera has also been reported to prevail at Sharfet-Akab, about six miles south of Tangier. It is likely the disease will likewise visit this town, as we had lately several suspicious cases, some terminating in typhoid fever, the two last cases proving fatal.

I have, &c.,

FELIX A. MATHEWS.

## NETHERLANDS.

No. 395.

*Mr. Birney to Mr. Everts.*

No. 55.]

-LEGATION OF THE UNITED STATES,  
*The Hague, October 11, 1877. (Received October 26.)*

SIR: As among the current events of which it may be well to make some mention, I give you in this note memoranda of assemblies recently gathered in this vicinity under the name of "International Workmen's Association," and "The Socialist Congress."

The contest between capital and labor, as it is called, having recently attracted so much attention in the United States, it may not be amiss that the government should be apprised that there exists on the continent of Europe an earnest set of energetic men, exhibiting much talent in their discussions, whose plans are revolutionary, seeking the overthrow of existing governments, the subversion of property, and who are in constant correspondence and in sympathy with a similar set of men in the United States.

In 1872, the first-named association, having been refused the privilege of meeting in convention, by several governments, within their respective boundaries, obtained the consent of authorities in the Netherlands to hold sessions at the Hague. The government here entertained no apprehension in regard to them, so long as they confined their labors to talk and discussions. The meeting here was not very harmonious, and resulted in a division in their ranks. The portion retaining the name of "International Association of Workingmen" met at Verviers, on the 6th, 7th, and 8th of September ultimo, and those who assumed the title of the Socialist Congress met at Ghent, both in Belgium, on the 10th, 11th, and 12th of same month.

Delegates were in attendance from Spain, Italy, France, Germany, Belgium, Denmark, and England, some of whom were present at both meetings. Their numbers were not large, but their views in the main seemed to accord.

Leon Frankel, who presided at most of the sessions at Ghent, having expressed extreme revolutionary sentiments, and it being ascertained that he had been active as a member of the commune in Paris, the Belgian police called upon him at his hotel, and attended him over the line.

Their meetings were not all public, but from what has been published

of their proceedings, and from what they have openly and distinctly avowed, the following may be safely stated as composing the planks of their platform :

"The expropriation of the owners of all capital."

"The abolition of individual property."

"Groups of laborers to hold collectively all soil, buildings, capital, and fabrics."

"The abolition of each kind of state and of every form of representative government."

"The organization of society into a net of federations of laborers, united for the special needs and purposes they propose to reach."

This scheme is to be realized by a series of revolutions, each to accomplish a part of the programme on the field of its action.

The meeting at Verviers passed a vote of sympathy for what they called "the insurrection of the people of the United States during the last railway strike."

As to the organization of trades societies, discussion was had, and a resolution passed recommending them, at the same time expressing the opinion that those of them which occupy themselves exclusively with questions of wages have had their time, and they must necessarily have to be, and will be, transformed into revolutionary organizations aiming at the complete abolition of the system of wages.

The association also proclaimed itself in union with all workingmen whenever they protest by any acts against the actual organization of society.

The congress at Ghent appeared to be in full sympathy with the association at Verviers, and as a declaration of its views passed the following :

The congress declares that in the economical struggle of the working class against the "classes which possess," the trades-unions must form international federations, and engages its members to use all their efforts in this direction.

Considering that so long as the land and the other instruments of production, which are the means of life, are held and appropriated by individuals or sections, the economical subjection of the mass of the people, with all its attendant misery and starvation, must continue, the congress declares it is necessary that the state or the commune, representing and comprising the whole of the people, should possess the land and other instruments of labor.

This congress received a long communication, elaborately prepared, from the executive committee of the "Workingmen's Party of the United States," written from 103½ Wells street, Chicago, dated August 20, and signed by Philip Van Putten, corresponding secretary, containing an account of the United States railway strike. The executive committee in this letter explained that owing to financial obligations they had been unable to send delegates to that congress, but forwarded instead a review of the labor movement in the United States, tracing it from the war to the railway strike.

This letter states, among other things, that while the trades-unions were yet flourishing a few of their earnest men introduced the principles of the "International Association"; that the unfortunate events in Paris in 1871 had been so misrepresented by the press in America that the entire movement was regarded as a war upon property, religion, and the family relations; that the success of the International was *then* impossible. It further says :

Believing it to be a more practical method of reaching the desired end, to unite the working classes for present demands, upon the same principle as the International, without, however, hindering our progress by explaining all the eventual results which will attend our success, the "Social Democratic" party was organized.

The letter further refers to the formation of a new party called the "Workingmen's Party of the United States," and says that its platform is to build up trades-unions and to aim at the passing of laws in the direct interest of labor. A portion of this letter has been published, and from it I add the following extract:

The railroad workmen had been so reduced in wages through the reckless competition of the various speculative directors that human nature could stand no more. An organized strike had been contemplated by all the locomotive engineers in the land, which, had not the premature outbreak among the firemen and switchmen occurred, would have stopped for an indefinite length of time all the railroads of the country. But the minor laborers would wait no longer. The first signal of action was followed by an immediate stoppage of work upon hundreds of miles of railroad. The news spread like wild-fire among the railroad workmen everywhere, and although no preparations had been made, all railroad freight traffic between Saint Louis, Chicago, and the East was stopped as if by general consent. In all the large cities the workingmen through pure sympathy held great mass-meetings, and nearly all the factories were closed.

Among the manufacturing establishments there was no positive demand for higher wages, but the men simply went home and refused to work for several days. In many cases the employers themselves closed their factories in fear of the mob. The business men and the clerks enrolled as special police in order to guard their property against the common enemy. Workingmen's meetings, even in secluded halls, were forbidden and broken up. The only violence that occurred, however, was provoked by the military.

Since the strike the discussions of social questions have been very lively, and the workingmen are now prepared to hear the truth. In Ohio, Wisconsin, Indiana, Pennsylvania, Illinois, and Missouri organization for labor politics is going on very rapidly, and it is hoped before many months to report a strong party throughout the United States.

Great changes are proceeding in public opinion. It is evident to all that the false republic cannot long exist in its present form. Unless the socialistic movement shall reform it, a monarchy, or rather an oligarchy, will be established in a very few years. Therefore there is need of vigorous agitation, and the best speakers and the greatest resources that can possibly be obtained.

The remainder of the letter was occupied with some account of a fruitless appeal for co-operation from Europe, and with an estimate of the popularity of the movement from the number of journals it supports.

In September last year an address was issued to all the labor organizations throughout the world, inviting correspondence and the establishment of proper connections. Only one reply was received, and that was a communication from the campaign committee in Altona, Germany, asking for money to help their elections. Socialist newspapers are established in several places. In Milwaukee there is a daily paper, the Milwaukee Socialist. In Chicago, a tri-weekly German paper is making rapid headway and will soon appear every day. The Labor Standard of New York, and the Emancipator, of Milwaukee and Cincinnati, are weekly papers, in English. In Cincinnati and in Newark there are German weekly papers, and in Cleveland the Delnické Listy, a Bohemian journal. These papers are published by members of the party, but other journals are in sympathy with the movement. The party is pushing an agitation for a national bureau of labor statistics. The news of political successes in Germany last spring was received with joy.

I have, &c.,

JAMES BIRNEY.

---

No. 396.

*Mr. Birney to Mr. Evarts.*

No. 63.]

LEGATION OF THE UNITED STATES,  
*The Hague, March 1, 1878. (Received March 18.)*

SIR: I am in receipt, since my residence at this post, of a great many letters from citizens of the United States, asking information in regard

to supposed claims to estates in the Netherlands, and requesting suggestions as to the best method of establishing them. They come from all parts of the country, from Maine to California. The demands range from \$12,000,000 down to a more manageable sum, and extend over a period embraced within the past 200 years.

Although neither the presentation nor prosecution of private claims is among the duties devolving upon me, I have been disposed to contribute such information to inquirers as I could conveniently find. But the letters, whether from lawyers or laymen, are almost without exception so entirely vague and indefinite that they rarely furnish any clew to an investigation. As there is little prospect of a cessation of such inquiries, and no doubt much time and money has been and will be uselessly expended, through the imposition of a certain class of a speculative turn of mind, who work upon the credulity of those who think they may have interests that can be realized, I have thought it might be well to address you a note containing a brief general statement upon the subject to which such letters relate, and if it meets your approval to put it in print, that I may attach it to more special answers sent to future inquirers.

It is altogether probable that most persons in the United States who write for information do so under the impression that it can be readily had, after the fashion in their own country, by stepping into a surrogate or probate office and examining the records. But in Holland there are no such offices open to the public for the record of wills. Wills in this country are deposited by the testator in the custody of the notary whom he requested to officiate as his draughtsman. He may select any notary he pleases. Notaries in Holland are usually appointed from the legal profession, and are functionaries of reliable character. Trusts of great value are safely committed to them. They are not admitted to the office until they have stood the test of a rigid examination as to their proficiency in the duties incumbent upon them. The will is filed in duplicate in the office of the notary, and its custody descends to his successor. The notary enters upon his register the title and subject-matter of each paper filed with him, with a corresponding number. This is examined each month by the procureur-general or district attorney, and, if found correct, is indorsed by him.

Ordinarily, there is no difficulty whatever, on the part of those concerned, in finding the notary who may have possession of a particular will. The friends and members of the family will remember very well who officiated in that capacity. But when a quarter or a half century has elapsed since the death of the testator, and inquiries come from abroad, accompanied by no statement as to the locality of the property and former residence of the deceased, or the time of his death, it is no easy matter, often, to find the officer or the successor sought for. Extensive advertisement is sometimes the only means of discovering heirs. Wills are so carefully drawn that contests about them seldom occur, and it is very rare that heirs prefer to have the testator proved not of sound mind and memory.

In numerous instances inquiries have been made by attorneys as to the judicial proceedings customary here upon the assertion of such claims. I will, as succinctly as possible, refer to their history and present course.

Many years ago the courts of the country exercised the right to appoint guardians for the persons and property of minors. In the fourteenth century there were established what were styled orphans' courts. To them was delegated the care of the estates of deceased persons. At



that period the courts had almost supreme power in their respective districts. The first mention of such delegation of power by any of them is that found in the statute published by the Countess of Margaritta on the 10th of May, 1346. At that time cities acted as distinct sovereignties, according to the authority bestowed. In 1351 Philip of Burgundy granted to the city of the Hague such an orphans' court. On the 13th of May, 1355, Count William of Bavaria bestowed upon the city of Delft the right to establish a chamber for orphans' court. In 1485 Maximilian, by a statute proclaimed on the 16th of November, extended more generally this right.

Under this system such claims were settled until 1809, when all orphans' courts were abolished by the introduction of the French civil law throughout the kingdom of the Netherlands. The methods of procedure under this code were concluded by the principles laid down in Grotius and Van Leuwen, who were to Dutch law what Blackstone has been to English and American law. On the 5th of March, 1852, the *Staats General*, or Parliament of the Netherlands, passed an act providing for the organization of a state commission whose duty it became to settle claims against the estates of deceased persons, as well as against the government. All the funds heretofore under the care of the orphans' courts, or other officials, and undisposed of, passed into the custody of this commission. This act also provided that for any sum not paid over, and which had been within the jurisdiction of the orphans' court, the municipality in which it was appointed should still be liable to any one establishing his right to it.

The rules of this commission require that all persons making demand for funds under its control shall make a full statement of the case in writing, with proofs of descent and identity. A receipt is given for the papers, and within two months the commission announces its decision: if adverse, the claimant has the right of appeal to the courts.

This act also provides that, as soon as practicable after its taking effect, an advertisement should be inserted in the official journal known as the *Staats Courant*, notifying all claimants to any portion of the funds in their hands to make demand and proof; also, that after an interval of six months from the first there should be a second advertisement, and that after the lapse of five years from such second notice all estates to which claims had not been established should escheat to the state.

This law would dispose of such estates as were in the hands of the commission prior to 1852. It is scarcely reasonable to suppose that any government would hold itself responsible without limitation as to time for all waifs that may have fallen under its protection.

There are persons, however, who expend large sums upon travel and attorneys under the belief that this government has held in its treasury vast amounts, and is only waiting to welcome some one who will come and claim it. Not many months since, a respectable, zealous, and intelligent old lady from Brooklyn, N. Y., called upon me to inquire how she should approach the government to induce it to pay over without delay what was honestly due her as one of the heirs of a Dutch general who expired suddenly on horseback while engaged in a grand parade that occurred 200 years ago. She was accompanied by a French advocate whom she had engaged in France to prepare her brief in the case. He already had it printed in the shape of a large pamphlet. The lady claimed that the government had taken charge of the property, and had since been in the receipt of the usufruct. She admitted that the claim had become of such magnitude that if ordinary interest should be

added to the principal no government in Europe had the ability to pay it. She was, however, willing to accept the principal and allow further time for the interest. She was fully determined, as she said, if Holland did not meet her expectations in doing what was right and just, to have the government dishonored in the eyes of all Europe. She called upon several of the embassies here to induce them to form a sort of alliance of the powers to bring a pressure to bear. This she did because there were heirs in Germany, France, England, and the United States. She was determined that her petition should be laid before the highest authority. For this purpose she waited at the door of the palace, and, when His Majesty the King appeared, she presented it in person. He referred it to his minister of finance, who very soon addressed a note to the applicant informing her that the whole matter had several times been thoroughly examined in the courts and decided adversely to claimants. I advised her that it would be more judicious to save the money she was expending upon steamers, hotels, and advocates.

A recent mail brought me a letter from a citizen of Marysville. He sets out by saying that he had written to President Hayes, asking him to interpose in regard to an estate left him in Holland, and that in reply my address had been sent him. He goes on to state that several newspapers had notified him that his ancestor, who died 100 years ago, had left a large amount and directed that it should be put at interest for 100 years and then divided among his heirs; that this time having arrived it was ready to be distributed, and that the sum total was now \$12,000,000. He desired the matter to be sifted to the bottom, and offers, on realizing premises, to compensate liberally. This was followed by letters from persons of the same name, written, one from Lebanon, N. J., one from Ulster County, New York, another from Washington, all solicitous about the same interest. But in no one of them was there mention of the time or place of death of the testator, nor the location or description of the property, nor was a copy of the newspaper notice inclosed; in fact no clew by which investigation could be commenced.

Of one thing such inquirers may be certain, and that is, the Holland Government never has ordered its notices to be inserted in foreign newspapers. Not long since a gentleman of fair intelligence called upon me and represented that he had just arrived from a voyage across the Atlantic, having been employed by parties who supposed they were heirs to an estate somewhere in Holland. I discovered that he had undertaken this business and made an expensive trip without the slightest knowledge as to the locality, or province, or part of the kingdom in which the testator had lived and died. I referred him to a competent barrister, by whom he was told that he would have to advertise in several of the leading newspapers for the notary who had the will. That discouraged him and he took his departure, no wiser than when he set off from New York. Advances may have been made sufficient for the trip, but not for advertising. I mention such instances to show that much is expended in such inquiries without avail.

I may add, however, that if any one in the United States has a *bona-fide* claim against the Government of Holland, or any of its officials, which can be clearly and satisfactorily shown, he may rely upon it that there is no government that will more promptly and fully meet the demand.

Hoping that these hints may not be without some service to the many persons in the United States who look wistfully to the fortunes coming to them from Holland,

I have, &c.,

JAMES BIRNEY.

No. 397.

*Mr. Birney to Mr. Evarts.*

No. 66.]

LEGATION OF THE UNITED STATES,  
*The Hague, April 6, 1878. (Received April 22.)*

SIR: I have the honor to inform you that upon receiving your No. 57, of date March 19 ultimo, in regard to the conference, I lost no time in preparing the note hereto annexed and in delivering it in person to the minister for foreign affairs. He expressed much interest in the proposed conference, and said that he would refer my letter to the state cabinet; it holds a session to day. He promised to make known to me its conclusions as soon as practicable.

Should the cabinet accept the invitation I will request the secretary of legation at London to cable you the words "*Holland accepts*," and write you by mail her preference as to time and place. If she declines, it may only be necessary to send her reply by mail.

Yours, &amp;c.,

JAMES BIRNEY.

[Inclosure in No. 66.]

*Mr. Birney to Baron van Kell.*LEGATION OF THE UNITED STATES,  
*The Hague, April 3, 1878.*

SIR: I have the honor to inform you that the Congress of the United States has enacted a law authorizing the coinage of the standard silver dollar, and to restore its legal-tender character. A copy of the act I hereto append for your examination.

The second section of the act provides that immediately after its passage the President shall invite such European nations as he may deem advisable to join the United States in a conference to adopt a common ratio between gold and silver for the purpose of establishing internationally the use of bi-metallic money and securing fixity of relative value between those metals, such conference to be held in such place in Europe or in the United States at such time within six months from the passage of the bill (February 28, 1878) as may be mutually agreed upon by the executives of the governments joining in the same, whenever the governments so invited, or any three of them, shall have signified their willingness to unite in the same.

The President of the United States, through the Secretary of State, instructs me to invite the Government of the Netherlands to unite in the proposed conference, and to call its attention to the great interest which the United States feels in the measure now proffered for conforming the coinage and proportions of the two precious metals in the systems of the countries invited to participate therein to the common advantage of the commerce of the world. From the character of recent legislation, the policy of the United States in support of bi-metallic money may be regarded as decided.

Should the government which your excellency has the honor to represent signify its willingness to unite in the conference, it will be convenient to receive from you, at the earliest practicable moment, an expression of preference as to the time and place at which it shall be held. This is important in order to enable my government to select its commissioners and to give the requisite notice to all concerned.

I seize the occasion to offer your excellency renewed assurance of my high consideration.

JAMES BIRNEY.

No. 398.

*Mr. Birney to Mr. Evarts.*

No. 71.]

LEGATION OF THE UNITED STATES,  
*The Hague, May 2, 1878. (Received May 16.)*

SIR: I am in receipt to-day of a communication from the minister of foreign affairs, in which he signifies the willingness of the Government

of the Netherlands to unite in the proposed monetary conference. It is hereto annexed, with translation.

As it does not contain any expression as to time and place of assembling, I have addressed the minister another note, requesting some indication of the inclination of his government as to these particulars. A copy of this I also inclose, and will send his answer thereto as soon as received.

I have heard, unofficially, that the cabinet in their consultation upon the subject of the invitation avowed no preference as to time and place, but were content to leave it to the discretion of the inviting powers.

I sent telegram to-day to Minister Welsh, at the legation in London, requesting him to send by cable to your address the words "*Holland accepts.*"

This you have doubtless received.

I have, &c.,

JAMES BIRNEY.

[Inclosure 1 in No. 71.—Translation.]

*Baron van Kell to Mr. Birney.*

LA HAYE, May 1, 1878.

SIR: I have had the honor to receive your note of 3d of April last, through which you have had the kindness to transmit to me the invitation of the Government of the United States of America to that of His Majesty to unite in a conference, to challenge an international judgment, with a view to the adoption of the double monetary standard, by establishing, in an unvarying manner, the relative value of gold and silver.

The Government of the King, although being for more than one reason only imperfectly convinced as yet of the practical issue at which the conference in question would be able to arrive, appreciates not less highly the invitation which has been addressed to it, taking pleasure to recognize that the work of the conference will not fail to offer the most intense interest, if only in a scientific point of view.

I permit myself, therefore, Mr. Minister, to inform you that the Government of the King accepts with pleasure this invitation, and proposes to designate one or two delegates to represent it on that occasion.

I take, &c.,

HECKEREN VAN KELL.

[Inclosure 2 in No. 71.]

*Mr. Birney to Baron van Kell.*

LEGATION OF THE UNITED STATES,

*The Hague, May 2, 1878.*

SIR: I have the honor and the pleasure to acknowledge the receipt of your communication of the 1st instant, in which you convey the acceptance by the government of the King of the invitation extended by the United States to unite in the proposed monetary conference.

Referring to my note of the 3d April, you will find a request that if you be pleased to signify a willingness to unite you would express any preference you may have as to the time and place for the assembling of the conference. As your reply does not make mention of such preference, may I ask of you that, at your earliest convenience, you will make known to me any suggestions of your government upon that subject?

Accept, your excellency, renewed assurance of my high consideration.

JAMES BIRNEY.

No. 399.

*Mr. Birney to Mr. Evarts.*

No. 74.]

LEGATION OF THE UNITED STATES,  
*The Hague, June 25, 1878. (Received July 15.)*

SIR: Having been advised that the Ex-President of the United States and Mrs. Grant would visit The Hague, I met them upon their arrival on the 15th instant, and they accepted invitations to be my guests.

I had made known his coming to the minister for foreign affairs, and in his behalf asked audience of His Majesty the King, and presentation to their royal highnesses, Prince Frederick and Prince Alexander. The King, through his minister expressed by note his very great regret that he could not be at the capitol to give the Ex-President, and illustrious general, welcome to the Netherlands. In compliance with the invitation, the Ex-President and Mrs. Grant, accompanied by the minister resident of the United States, visited Prince Frederick at his castle in the country, where they were most hospitably received and entertained. On the same day, the Ex-President also had a pleasant interview with Prince Alexander.

During the evening of the second day after their arrival, General and Mrs. Grant dined with the diplomatic corps and their wives, at the residence of the minister of the United States, and afterward, at same place, met at reception a large number of the citizens of the Hague.

On the next day, His Excellency Baron van Heckeran van Kell, minister for foreign affairs of Holland, very kindly entertained a large party at dinner, and held a reception in honor of the Ex-President.

Upon a suggestion being made that it might be pleasing to General Grant as a military man to witness a parade of Dutch troops, a review was promptly ordered, at which he attended and received complimentary salutes.

The general while here was called upon by the burgomaster of Rotterdam, and by prominent citizens of Amsterdam, and accepted invitations to dinner in both cities.

On the part of the officials of the government here, every disposition was shown to treat with the highest respect the Ex-President of the United States, and wherever he went in Holland the same feeling was manifested, which he acknowledged as a tribute of good-will to the republic over which he had the honor to preside as its executive.

This is written as responsive to your circular of May 23, 1877, and you may be assured that it gave me "patriotic pleasure" to express the "wishes of the Department," in showing any attention and consideration in my power "to a citizen of the republic so signally distinguished both in official service and personal renown."

I have, &c.,

JAMES BIRNEY.

No. 400.

*Mr. Birney to Mr. Evarts.*

No. 80.]

LEGATION OF THE UNITED STATES,  
*The Hague, October 1, 1878. (Received October 17.)*

SIR: I have the honor to inclose herewith a copy of the address from the throne of the King of the Netherlands, on the occasion of the opening of the present session of the States General, accompanied by a translation.

The second paragraph makes allusion to recent festivities in honor of the marriage of Prince Henry, brother of the King, to the grand niece of the Emperor of Germany. There were very general and enthusiastic demonstrations of satisfaction throughout Holland on account of this alliance.

It may also in this connection be proper to mention that I have been officially informed by the minister of foreign affairs of the betrothal of

the King of Holland in marriage with Princess Adelaide Emma, third daughter of Georg Victor, Prince of Waldeck-Pyrmont, a principality of the German Confederation. The engagement was proclaimed on the 29th ultimo. The date of the marriage is not yet announced.

I am, &c.,

JAMES BIRNEY.

[Inclosure in No. 80.—Translation.]

OPENING OF THE STATES GENERAL, 1878-'79.

*Address from the throne.*

GENTLEMEN: It gives me pleasure, at the opening of this session of the States General, to make favorable communications concerning the situation of the country.

I appreciate highly the interest recently shown in the happiness of my beloved brother, and the many testimonies of the love of the people for my house, by the kind reception of his wife on the occasion of her arrival upon Dutch territory.

My relations with foreign governments are most friendly.

The navy and the army continue to distinguish themselves by the zealous performance of their important duties. The valor with which our soldiers accomplish their difficult task on the north of Sumatra is highly praiseworthy.

Most of the branches of the industries of the nation are satisfactory. Agriculture prospers and gives hope of a large harvest.

The situation of the finances indicates that the time has come for the serious consideration of the methods for the increase of the revenues of the state. Proposals to that effect, keeping in view a desirable reform of the taxes, will be introduced to you.

The review of the penal code is so far advanced that you may expect to receive the report during the present session.

Public instruction continues to be the subject of my constant solicitude. Your concurrence will be asked to put into effect the law for higher instruction and to bring into working order the new law for primary education.

The general situation of our East Indian possessions may be regarded as satisfactory, while the peace that has prevailed elsewhere has fulfilled our hopes. During the past year our expectation of the course of events in the north of Sumatra has not been realized. To maintain our authority there will require new and extraordinary measures.

The opportunity of supplying laborers for Surinam has been temporarily opened.

The calamity at Curaçoa was met by the charitable aid of the people here and in the Netherlands East Indies.

Different bills upon various subjects will be presented to you. Important business awaits your action.

Gentlemen: May your deliberations, under the Divine blessing, result in the public prosperity. I declare the ordinary session of the States General to be opened.

No. 401.

*Mr. de Pestel to Mr. Erarts.*

[Translation.]

LEGATION OF THE NETHERLANDS,  
Washington, February 27, 1878. (Received February 28.)

SIR: By your letter of the 31st July last, your excellency was pleased to communicate to me the regulations in force in the United States with regard to the admeasurement of vessels, which I had requested for my government, in order that an arrangement might be effected between the two countries for the reciprocal acceptance of the certificates of admeasurement of their respective vessels.

A comparison of these regulations with those in force in the Netherlands, a copy of which I had the honor to transmit to your excellency with my

letter of the 18th of July last, has demonstrated that there is in the application of the Moorsom system in the two countries some difference, which, however, does not seem to me to present an insurmountable obstacle to the reciprocal recognition of the certificates of admeasurement, and I am instructed to submit to the approval of the Government of the United States an arrangement more fully developed and explained in the inclosed memorandum.

If the Government of the United States sees fit to accept the proposal in question, I should be glad to receive, in order to submit it to the previous consideration of my government, a draught of the instructions which would subsequently be given by the Government of the United States for the recognition of the certificates of admeasurement of the Netherlands.

I may add that the arrangement will comprise, equally and on the same footing as in the Netherlands, the recognition of the certificates of admeasurement of the United States in the colonies of the Netherlands, so far as the Moorsom system has already been, or shall hereafter be, introduced there. This recognition can be ordered at once for the Dutch Antilles (Curaçoa and its dependencies) and Surinam. As to the Dutch East Indies, it will be necessary to await the introduction of the Moorsom system in those colonies, the preparatory steps for which have already been taken for some time, and which will probably soon take place.

Awaiting your excellency's reply,  
I avail, &c.,

DE PESTEL

---

[Inclosure.—Translation.]

*Decree of William III.*

We, William III, by the grace of God King of the Netherlands, Prince of Orange Nassau, Grand Duke of Luxemburg, &c.—

Having seen article 6 of the law of the 3d of June, 1875 (State Gazette No. 101), &c.; having seen our decree of the 21st of August, 1875 (State Gazette No. 145); having taken in consideration that the method of admeasurement of vessels which, since the 1st of January, 1876, has been introduced in the Netherlands, has already, since the 1st of January, 1835, been in operation in the United States of North America, and that the Netherlands vessels provided with a Netherlands certificate of admeasurement according to the said method are, from the (date) under the necessary regulations, exempted from admeasurement in these States—have resolved and decree:

#### ARTICLE I.

From the admeasurement in the Netherlands are exempted the vessels belonging to the United States of North America, and provided with a certificate of tonnage issued there by the competent authority after the 31st of December, 1869.

#### ARTICLE II.

The capacity of the vessel, as mentioned in the said certificate of tonnage, is considered to be just as valid as if this capacity was found by official admeasurement in the Netherlands.

#### ARTICLE III.

In the case as mentioned in article 3 of the present decree, the master of the vessel, however, is entitled to apply for a Netherlands certificate of tonnage without being compelled to have the whole vessel measured. Upon such application there is to be acted as follows: The capacity of the vessel mentioned in the foreign certificate of tonnage is to be increased by the space taken by the fixed, covered, and closed accommodations on the upper deck, which in the United States are not included in the admeasurement.

The capacity increased in this manner is to be considered as the *gross capacity* of the vessel in the Netherlands certificate of tonnage. The *net* capacity is to be made out entirely in the same manner as in the admeasurement of the Netherlands vessels.

For the application of the aforesaid, the concerned parts of the vessel are to be increased according to the Netherlands regulations.

For the different duties performed and mentioned in this article no costs are to be claimed.

If, however, the master requests a readmeasurement, article 35, last alinea of the said decree (of 21st August, 1875), is applicable.

#### ARTICLE IV.

The present decree will take effect on the ———.

*Proposed arrangement between the Netherlands and the United States for the reciprocal recognition of certificates of tonnage.*

#### METHOD OF ADMEASUREMENT.

It appears from a comparison of the Netherlands and United States regulations governing the admeasurement of vessels that the method of making out the capacity of the different parts of the vessel is the same in both countries; with this difference, however, that in the United States for the capacity under the upper deck, the cross-diameters are always measured on two points more than the Netherlands (conf., pages 6-8 of the Netherlands instructions concerning the admeasurement of vessels, and pages 70-73 of the regulations under the registration laws 1869). This difference in the method of calculation, however, cannot give any important difference in the results, and this may not be, in the opinion of the Netherlands government, a reason to refrain from the admission of the certificates of tonnage of the United States. Likewise, in Germany and in different other countries, where the same number of cross-diameters are measured as in the Netherlands, the certificates of tonnage of the United States are also recognized.

#### GROSS CAPACITY.

In the United States, in order to make out the gross (whole) capacity of the vessel, the whole space under the upper deck is taken increased with the space which on that deck is taken by fixed covered and closed accommodations as far as these are not used for motive power in steamboats, for steering-house, for kitchens, for the management of the captain and for other similar purposes (conf. the said regulations, articles 119 and 133). This proceeding differs from the one in the Netherlands as far as that there in making out the *gross* capacity of the vessel, the fixed, covered, and closed accommodations on the upper deck are included in the reckoning without any difference as to their destination (conf. Netherlands regulations, pages 5, 11, 12, 31, 40, and 41). The consequences of this difference of ration of the gross capacity are, of course, that for many vessels the capacity will be greater by admeasurement according to the Netherlands regulations than by admeasurement according to the regulations of the United States.

#### NET CAPACITY.

In what in the Netherlands is considered to be the net (taxable) capacity of the vessels, there is besides a very great difference from what takes place in the United States. In the Netherlands, and likewise in most other countries where Moorsom's system has been adopted, the spaces used for the accommodation of the crew, and also the spaces taken in by the engines and coal-houses in steamships, are deducted from the gross capacity of the vessel without any difference whether these spaces are under or on the upper deck. The remainder is considered to be the net (taxable) capacity. In the United States no deduction is allowed for similar spaces from the gross (whole) capacity. There, as aforesaid, only the spaces on the upper deck for the motive power in steamboats are not taken in consideration by making out the gross capacity, so that in the United States there is, properly speaking, no difference between net and gross capacity.

Since the 1st of January, 1876, when the Moorsom system was introduced in the Netherlands, the certificates of tonnage of the United States are, according to the instructions given by the former minister of finances, already provisionally recognized in the Netherlands as far as concerns the gross capacity of the vessels, while the *net* capacity is made out by deducting those spaces as well under as on deck, which, according to the Netherlands regulations, are considered to be free, after admeasurement so far as necessary, of the concerned parts of the vessel. And in the United States the gross capacity mentioned in the Netherlands certificate of tonnage, issued



since the 1st of January, 1876, is recognized just as if the same had been found out by admeasurement there.

This state of affairs is detrimental to the Netherlands navigation because, in consequence of the said difference in the notion of gross (whole) capacity, the vessels of the United States staying in the Netherlands are coming into consideration for a smaller net capacity than the Netherlands vessels of the same dimensions and arrangement, while to the contrary the Netherlands vessels in the United States are considered to be larger than exactly similar vessels of these States or other countries, viz. Germany, where also some accommodations on the upper deck are not taken in consideration by making out the gross capacity.

#### PROPOSED NEW ARRANGEMENT.

It is therefore desirable to make with the United States such agreement concerning the reciprocal recognition of registers as whereby the said difference will be compensated, and consequently a satisfactorily equal treatment of our own and foreign flags obtained.

According to the views of the Netherlands Government this purpose could be obtained most properly by an arrangement upon the following basis:

A. Treatment in the Netherlands of vessels belonging to the United States according to the annexed draught-decree.

B. In the United States, exemption from admeasurement of vessels belonging to the Netherlands and provided with a Netherlands certificate of tonnage issued after the 31st of December, 1875.

From the gross capacity mentioned in this certificate of tonnage are to be deducted the (in the Netherlands therein included), spaces on the upper deck used for storage and attendance of flags, instruments, and apparatus for the management of the vessel. Admeasurement thereof will never be required, as the dimension of the above-mentioned spaces is always mentioned in the Netherlands certificate of tonnage.

Furthermore, the master of the vessel shall be authorized, in case he may desire it, to have also deducted from the gross capacity the kitchen on the upper deck and the closed covered accommodations on the said deck which are part of the space for motion-power in steamboats. The kitchen, &c., whose dimension is not separately mentioned in the Netherlands certificate of tonnage, are in such case to be admeasured in the United States.

The gross capacity according to the Netherlands certificate of tonnage reduced as aforesaid, is to be considered in the United States as the taxable capacity of the vessel.

---

No. 402.

*Mr. Evarts to Mr. de Pestel.*

DEPARTMENT OF STATE,  
Washington, March 28, 1878.

SIR: I have the honor to acknowledge the receipt of your note of the 27th ultimo, respecting the application of the Moorsom system of admeasurement of vessels in the Netherlands and the United States, with inclosures, and to observe in reply that the substance of the same having been communicated to the Secretary of the Treasury, that officer has addressed a letter to the Department, in which he states that, after mature consideration, "it does not appear that there is any difficulty in admeasuring vessels in the Netherlands under the Moorsom system." Referring to a copy of one of the inclosures in your note, which accompanied the letter of this Department addressed to him, he adds:

In the inclosure entitled "Proposed arrangement between the Netherlands and the United States," &c., it is correctly stated "that the method of making out the capacity of the different parts of the vessel is the same in both countries; with this difference, however, that in the United States a greater number of divisions of the length and breadth of a vessel is taken as the basis for the calculation of tonnage than is required by the Netherlands law. This difference," it is said, "in the method of calculation, however, cannot give any important difference in the results."

The questions presented by the Government of the Netherlands for the consideration

of our government arise from the different manner of expressing the tonnage of a vessel.

By the law of the United States it is provided that "the register tonnage of a vessel shall be her entire internal cubical capacity in tons of one hundred cubic feet each." In ascertaining the "entire internal cubical capacity," separate measurements are made of the space under the "tonnage-deck," of the space between the "tonnage-deck" and the "spar-deck" (if any), and of "the several permanent closed-in spaces on the upper deck, or on the spar-deck, available for cargo or stores, or for the berthing or accommodation of passengers or crew."

The capacity of the water-closets and galleys (kitchens) is omitted from the measurement, and the register of the vessel, after stating what spaces are included, also states what are omitted from the tonnage.

The Netherlands law, it is understood, recognizes gross and net tonnage, the first being the aggregate of the capacities of all measurable spaces; the second the remainder after deducting from the gross tonnage the capacity of "the spaces used for the accommodation of the crew, and also the spaces taken in by the engine and coal-bunkers in steamships, without any difference whether these spaces are under or on the upper deck."

The Netherlands law includes, in the gross tonnage, not only the closed-in spaces on the upper or spar-deck available "for cargo or stores, or for the berthing or accommodation of passengers," but "all fixed, covered, and closed spaces, without any difference as to their destination" or use, while it is remarked "in the United States there is, properly speaking, no difference between net and gross capacity."

These different methods of stating the tonnage of a vessel are claimed in the proposed arrangement to be detrimental to the Netherlands navigation; and the reasons are given and the remedy suggested.

This government has, in fact, anticipated the objections expressed and the remedy proposed, so far as those objections and the remedy relate to the taxable tonnage of Netherlands vessels arriving at the ports of the United States, by its circular instructions relative to ascertaining the tonnage of foreign vessels, dated November 27, 1876, a copy of which is inclosed herewith. By this document you will see that collectors of customs and others are directed that "whenever it is found that the registers or certificates of admeasurement of foreign vessels include spaces which are not subject to admeasurement under our laws, such spaces shall be deducted from the registered tonnage in computing the basis for assessment of tax. It is assumed in these instructions that the gross tonnage of the vessel is stated in the register. If not, a reference to the foreign certificate of admeasurement is directed."

These instructions place vessels of the United States and vessels of the Netherlands upon the same footing, for the purposes of the exaction of tonnage-tax under United States law, and afford vessels of the Netherlands equal treatment with American vessels while within the jurisdiction of the United States.

As regards the proposed "Decree," it seems to contemplate the estimate of the tonnage of American vessels arriving at ports in the Netherlands according to the method of stating the tonnage of vessels of that country. This method, as I have already stated, provides for both gross and net tonnage; the net tonnage being considered in the Netherlands as the taxable capacity of the vessel. This, however, cannot be reciprocated by this government, for the reason that the United States law does not authorize the deductions from the register tonnage of a vessel which are allowed by the Netherlands law, and does not recognize the distinction of gross and net tonnage; and, looking at all the circumstances of the case, I do not see any grounds for altering the instructions now in force.

I inclose a copy of the circular referred to.

Accept, &c.,

WM. M. EVARTS.

No. 403.

*Mr. Burlage to Mr. Evarts.*

CONSULATE GENERAL OF THE NETHERLANDS,  
New York, July 31, 1878. (Received August 1, 1878.)

SIR: In pursuance of the instructions received from the Netherlands Government, I have the honor to send you herewith two copies of the royal decree of the 22d of June last (Official Gazette, No. 97), concerning the exemption from measurements of United States vessels.

Accept, &c.,

C. BURLAGE.

[Inclosure.—Translation.]

*Decree of June 22, 1878, providing for the exemption from admeasurement of vessels belonging to the United States of North America.*

We, William III, by the grace of God, King of the Netherlands, Prince of Orange-Nassau, Grand Duke of Luxemburg, &c., &c., &c., in view of article 6 of the law of June 3, 1875 (Official Journal No. 101), whereby we reserved to ourself the exemption from admeasurement in our ports of vessels from countries in which the same system of admeasurement is in use as in the Netherlands, on condition of reciprocity and other necessary regulations; in view of our decree of August 21, 1875 (Official Journal No. 146); in consideration of the proposal of our minister of finance of June 12, 1878, No. 9, import duties and excises:

Whereas the system of admeasurement which has been adopted in the Netherlands since January 1, 1876, has been in use in the United States of America since January 1, 1865; and whereas vessels of the Netherlands having a certificate of admeasurement according to the aforesaid system, issued to them in the Netherlands, are exempted from admeasurement in those States, under the necessary regulations;

Have decreed and do decree:

#### ARTICLE I.

Vessels belonging in the United States of North America, and having a certificate of admeasurement issued since December 31, 1864, by the competent authorities in those States, are hereby exempted from admeasurement in the Netherlands.

#### ARTICLE II.

The capacity of the vessel stated in the aforesaid certificate of admeasurement shall be recognized as valid, just as if such capacity had been found by official measurement in the Netherlands.

#### ARTICLE III.

In the case of Article I of this decree, the captain of the vessel shall nevertheless have the right to demand a Netherlands certificate of admeasurement therefor, without being obliged to have the entire vessel admeasured. In case of such demand, the mode of procedure shall be as follows:

The capacity of the vessel as stated in the foreign certificate of admeasurement shall be increased by the space occupied by the immovable covered and closed compartments on the upper deck, which in the United States are not included in the admeasurement.

The capacity thus increased shall be stated in the Netherlands certificate of admeasurement as *gross capacity*. The *net capacity* shall be determined in precisely the same manner as in the admeasurement of vessels of the Netherlands.

In the execution of the foregoing, the parts referred to of the vessel shall be admeasured according to the regulations in force in the Netherlands.

For the various operations provided for in this article no charges shall be made. If, however, the captain shall request that his vessel be readmeasured, the provisions of the last paragraph of article 35 of the aforesaid decree shall be observed.

#### ARTICLE IV.

This decree shall take effect July 1, 1878.

Our minister of finance shall have charge of the execution of this decree, which shall be inserted simultaneously in the Official Journal and the State Courant.

WILLIAM.

HET LOO, June 22, 1878.

The minister of finance.

GLEICHMAN.

Promulgated the 28th day of June, 1878.

The minister of justice.

H. J. SCHMIDT.

No. 404.

*Mr. Seward to Mr. Burlage.*

DEPARTMENT OF STATE,  
Washington, August 12, 1878.

SIR: Referring to your letter of the 21st ultimo, transmitting copies of a royal decree of your government issued upon June 2, last, concern-

ing the exemption of vessels of the United States from admeasurement in Dutch ports, I have to inform you that, a copy of the decree in question having been communicated to the Treasury Department, a letter has been received from the Acting Secretary of the Treasury stating that the decree of the Government of the Netherlands being sufficient evidence of the adoption of the Moorsom system on its part, and of the recognition of the registers of American vessels in its ports as indicating their tonnage, a corresponding courtesy will be extended to Dutch vessels in the ports of this country and their register tonnage accepted, with the exception of such spaces as are not exempt from admeasurement under the law of the United States in accordance with article 137 of the Revised Regulations of 1874 and of circular of Treasury Department of April 24, 1878, copies of which have already been furnished the legation of the Netherlands.

I am, &c.,

F. W. SEWARD,  
*Acting Secretary.*

## PARAGUAY.

No. 405.

*Dr. Aceval to Mr. Erarts.*

[Translation.]

LEGATION OF THE REPUBLIC OF PARAGUAY,  
*Washington, March 27, 1878. (Received March 27.)*

SIR: I have the honor to deliver to your excellency the memorandum and annexed documents relative to the rights of Paraguay over the territory submitted to the arbitration of His Excellency the President of the United States of America, begging you to be pleased to put them into the hands of His Excellency President Hayes, if it be possible, this very day.

I permit myself to make this request of you because to-morrow expires the term fixed by Article VIII of the treaty of limits between Paraguay and the Argentine Republic of the 3d of February, 1876, within which these documents must be presented, the discussion, according to the terms thereof, remaining definitely closed for the parties, whatever be the reason they may allege to the contrary.

At the same time I permit myself to deliver to your excellency for the same end the documents, books, maps, &c., the details of which appear from the adjoined list.

Although I do not present the translation of the memorandum into English, by reason of its not yet being finished, I hope to be able to do so within a few days more.

It not being possible for me to duly oversee the translation of the appendix and documentary exhibits, I only refer to the Spanish text, with which I hope it will be compared in case any difficulty shall arise through defectiveness of the version.

I deem it unnecessary to express to your excellency that I shall have satisfaction in giving explanations or throwing light upon any doubt which may arise in the study of this matter.

I avail myself of this occasion to express to your excellency the sentiments, &c.

BENJ. ACEVAL.

[Inclosure.—Translation.]

*List of the documents, books, maps, &c., delivered to the umpire in the territorial question between Paraguay and the Argentine Republic.*

## LEGATION OF THE REPUBLIC OF PARAGUAY.

Washington, March 27, 1878.

1. Certified copy of the treaty of limits between Paraguay and the Argentine Republic of February 3, 1876.

2. *Expediente* (docket) designated as Exhibit C, containing 75 documents, copied from the originals in the archives of La Asuncion, compared by the minister of Italy near the Government of Paraguay, and duly authenticated.

3. Report of the minister of foreign affairs of the Argentine Republic for 1874.

4. Same for 1876.

5. Same for 1877.

6. Supplement to the report of the Brazilian minister of foreign affairs for 1875.

7. Original *expediente* (docket) formed in 1782, wherein appear the declarations of 30 witnesses concerning the towns, block-houses (redoubts), &c., possessed by Paraguay at that epoch.

8. Packet of papers, wherein are recorded the occurrences of the "Melodia" block-houses, which existed where to-day stand La Villa Occidental, written by Father Amancio Gonzales Escobar, its founder and supporter.

9. "El Paraguayo Independiente," two volumes.

10. The Rio de la Plata Review, vol. I.

11. History of the Province of Paraguay, Rio de la Plata and Tecuman, by Father Pedro Lozano.

12. History of Paraguay, by Don Feliz de Azára, two volumes.

13. Voyages in South America, by Don Feliz de Azára, four volumes.

14. Physical, Economical, and Political History of Paraguay, by Alfred Demersay, two volumes.

15. The Republic of Paraguay, by Alfred M. du Graty, with a map at the end.

16. Modern Paraguay, by Benjamin Poucel.

17. Vattel, "Le Droit des Gens," three volumes.

18. Bello, Principles of International Law.

19. A pamphlet containing the decree which created the colony known as Nueva Bordeos (New Bordeaux), afterward Villa Occidental.

20. A number of La Reforma, a daily paper published at La Asuncion, dated the 24th of November, 1877.

21. Two maps, one by Monchez, the other by Du Graty.

WASHINGTON, March 27, 1878.

No. 406.

Mr. Evarts to Dr. Aceval.

DEPARTMENT OF STATE,

Washington, March 29, 1878.

SIR: I have received and have laid before the President your note of the 27th instant, and the documents and books by which it was accompanied, relative to the boundary between Paraguay and the Argentine Republic.

I avail, &amp;c.,

WM. M. EVARTS.

No. 407.

Mr. Evarts to Dr. Aceval.

DEPARTMENT OF STATE,

Washington, November 13, 1878.

SIR: I have the honor to inform you that the President has taken into deliberate and mature consideration your note to this Department of the

27th of March last, with the accompanying documents, books, and maps, relative to the question submitted to his arbitrament by the Governments of Paraguay and the Argentine Confederation, in regard to the ownership of the territory on the west bank of the Paraguay, between the main branch of the Pilcomayo and the Verde Rivers. The conclusion which he has reached is embodied in the instrument which I have the honor to inclose, and decides the question in favor of Paraguay.

I avail, &c.,

WM. M. EVARTS.

[Inclosure.]

Rutherford B. Hayes, President of the United States of America, to all to whom these presents may come, greeting:

Whereas, pursuant to the fourth article of the treaty of limits between the Argentine Republic and the Republic of Paraguay, of the 3d of February, one thousand eight hundred and seventy-six, it was stipulated that ownership in or right to the territory between the river Verde and the principal arm of the Pilcomayo River, including the city of Villa Occidental, should be submitted to the definite decision of an arbitration;

And whereas, by the fifth article of the same instrument, the two high contracting parties agreed to elect the President of the United States of America as umpire to decide as to the right to possess the said above-described territory;

And whereas the high contracting parties have, within the stipulated time, presented their invitation to the proposed umpire, which was accepted by him, and have, also, duly presented their respective memoirs, and the documents, titles, maps, quotations, references, and all the antecedents which they judge favorable to their rights, as provided in the sixth and eighth articles of said treaty:

Now, therefore, be it known, that I, Rutherford B. Hayes, President of the United States of America, having duly considered the said statements and the said exhibits, do hereby determine that the said Republic of Paraguay is legally and justly entitled to the said territory between the Pilcomayo and the Verde Rivers, and to the Villa Occidental, situated therein, and I, therefore, do hereby award to the said Republic of Paraguay the territory on the western bank of the river of that name, between the Rio Verde and the main branch of the Pilcomayo, including Villa Occidental.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done, in triplicate, in the city of Washington the twelfth day of November, in the year of our Lord one thousand eight hundred and seventy-eight, and of the Independence of the United States of America the one hundred and third.

R. B. HAYES.

By the President:

[SEAL.]

WM. M. EVARTS,

Secretary of State.

No. 408.

*Dr. Aceral to Mr. Evarts.*

[Translation.]

LEGATION OF THE REPUBLIC OF PARAGUAY,  
Washington, November 15, 1878. (Received November 16.)

SIR: I have had the honor to receive your note of the 13th instant, inclosing the document which contains the decision of His Excellency President Hayes, umpire in the question between Paraguay and the Argentine Republic, concerning the territory of the Chaco, comprised between the Pilcomayo and the Rio Verde.

The umpire, being guided by the lofty principles of justice, has rendered his decision in favor of Paraguay, as I had always expected, in view of his enlightenment and rectitude, and I now have the satisfaction of con-

veying through Your Excellency to His Excellency the President, the expression of the heart-felt gratitude with which the people and Government of Paraguay will hail his decision.

In the mean time, let me be permitted, as their representative, to express to His Excellency the President, in the name of the people and Government of Paraguay, my warmest thanks for the very important service which he has rendered them.

I have, &c.,

BENJ. ACEVAL.

## PERU.

No. 409.

*Mr. Gibbs to Mr. Evarts.*

No. 189.]

LEGATION OF THE UNITED STATES,  
*Lima, Peru, August 27, 1877. (Received September 20.)*

SIR: I have the honor to refer you to my dispatch No. 167, of June 19, in relation to the finances of this country.

The government made several attempts to arrange finance, and had various interviews with the directors of the associated banks, without coming to any agreement. Matters were daily growing worse, and much excitement was caused by the refusal of storekeepers and commercial houses to receive the bills known as the "Meiggs Mission," issued by the Public Works Company of Peru.

In my dispatch No. 128, of February 5, I refer to this company; also in dispatch No. 108, of November 21, I inclosed copies of Mr. Meiggs's proposition to finish the roads. The proposal was accepted, and he commenced operations on the three roads referred to; also to work on the great tunnel to drain the Cerro del Pasco; all these works to be carried on by what is called the "Public Works Company" of Peru.

The government advanced bonds, and on the strength of them, by depositing the bonds with the tribunal of commerce, the company made an issue of notes as above referred to. The commercial houses, by refusing to take them, checked Mr. Meiggs's operations, and he directed a note with a proposition to the government, which was accepted by a decree of the 17th instant. I inclose copy of Mr. Meiggs's proposition and the decree, from the South Pacific Times of Callao.

This had the effect of creating an excitement in the money market. Exchange on London went from 22*d.* per sol to 18*d.*; American gold from 130 per cent. premium to 160 per cent. Now the decree is looked at in a more favorable light, and exchange to day is 20*d.* per sol and gold 140 per cent. The feeling is that if the government carries out in good faith the decree, financial affairs will be on a more stable basis, but to my view it is hardly possible, as there is one great drawback—expenditures are more than the ways and means; the outgo heavier than the income—and until economy is practiced on one, and the other improved, no paper decrees will equalize the difference.

All of the leading retail houses here in Lima held a meeting in reference to the decree, approving of it, and passed resolutions to ask the government to allow the free exportation of coined silver, now prohibited, and to prohibit the exportation of silver in bars, now paying three per cent. export duty. As silver coin is continually leaving the country and

is the coin of the country by law, the merchants argue that, if it had free egress, much would be reimported, and if bars were coined, some of it would remain in the country.

I refer to my dispatch No. 108, of November 21, for information on coinage.

I am, &c.,

RICHARD GIBBS.

[Inclosure 1 in No. 189.—Translation.]

*The Meiggs emission.—Important decree of the government on the subject of Meiggs's notes and those of associated banks.*

[From the South Pacific Times, Tuesday, August 21, 1877.]

The following is a translation of the petition presented by Mr. Meiggs:

YOUR EXCELLENCY: I, Henry Meiggs, railroad contractor, respectfully submit to your excellency, that for the purpose of carrying out the works with which I am intrusted, I made an arrangement with the Public Works Company of Peru, of which I am president, in virtue of which the said company gave me 1,030,000 soles in paper, which I guaranteed by depositing 1,500,000 soles of the bonds which your excellency had given me in payment, according to the contract of February 3, 1877; and in order that the public might receive the notes with confidence, I deposited the bonds in the consular tribunal, and gave due notice to the public of said deposit.

On the strength of this guarantee the notes have circulated in this capital and outside of it, with the full appreciation of the persons who have received them. But in consequence of the supreme decree of 21st February last, which varied the conditions of the treasury bonds, known as the "Meiggs," various persons have thought that the service of the bonds, which I have deposited in the Consulate, might at some time be deficient, and consequently the fear has arisen that the notes of the public works company, guaranteed by said bonds, do not offer sufficient security.

This fear has reached such an extreme, that at a meeting of the merchants, held on the 15th June last, they compromised themselves not to admit notes which were unprovided with the government stamp; and the conflict has assumed such proportions that public works of the highest importance, with the execution and realization of which I am intrusted, are about to be completely paralyzed through the want of the necessary funds to continue them.

The emission of special bonds having been depreciated through the aforesaid supreme decree of 21st February, a depreciation which has interfered with the carrying out of works of the utmost importance to the country, and which has caused me irreparable loss, I find myself compelled to have recourse to your excellency, making known to you that having no funds at my disposal, for even the notes which I issued for the sum of 1,030,000 soles have been rejected by the "Junta Comercial," in consequence of the depreciation previously referred to; and further, taking into consideration that in the complete absence of resources, the notes issued by the Public Works Company, having been rejected (as already stated) after being put into circulation, and having no longer any means of continuing the work suspended, for the reasons which I have explained, I find myself, after making all sorts of sacrifices, under the painful necessity of announcing to your excellency that from this moment all the works will remain suspended if your excellency does not at once come to my assistance in preventing the continuance of the evil.

The credit of the supreme government is involved in this matter, as also my personal honor and the future of the country.

As all that is required for the public works in actual operation is the sum of 5,300,000 soles, I propose to make an emission which will save the compromises of all concerned and will give to the supreme government most advantageous results. The terms are the following:

1st. The undersigned will return to the supreme government the 5,333,333 soles 33 cents, which he received in special bonds for the railroad works of Chimbote to Yuramarca, of Cuzco to Marangani, and of the Oroya to the mineral district of Cerro de Pasco, as also for the drainage and mining works of the said Cerro; and the supreme government will empower the undersigned to emit through the Public Works Company, in notes payable to bearer, the aforesaid sum of 5,333,333 soles 33 cents, in order to repair the depreciation of the bonds.

2d. The 80,000 soles which the supreme government should furnish me monthly for the service of the 5,333,333 soles 33 cents, and which is to satisfy the delegation of the associated banks, will serve for the monthly redemption of the emission which I solicit.



3d. The supreme government will order that the said notes be received in the custom-houses and other fiscal offices, and will guarantee them so that they be admitted as current money.

4th. With the object of aiding the supreme government disinterestedly, when its necessities may require it, I compromise myself to furnish it the monthly sum of 100,000 soles, without interest, and for the term of one year. I compromise myself equally to furnish to the supreme government, during six months, the sum of 500,000 or 600,000 soles without any interest.

Finally, at sixteen months from the date of the decree authorizing the emission, I will furnish to the supreme government, on the most equitable conditions, 150,000 soles monthly in hard money.

This petition, your excellency, is not only based on the considerations set forth, but also on the conclusive order of the law of July 7, 1874, by which the Executive is empowered to adopt any means whatever, in order to prevent the suspension of the public works in hand.

With the foregoing and the hope that an end will be put as soon as possible to the bad situation which renders the continuation of the before-mentioned public works most difficult, I pray your excellency to authorize at once the emission of 5,333,333 soles 33 cents in notes to bearer, as being an indispensable and urgent necessity for the prosecution of the public works.

Lima, August 11, 1877.

HENRY MEIGGS.

[Inclosure 2 in No. 189.—Translation.]

*Decree of the Supreme Government in answer to the foregoing petition.*

Mariano Ignacio Prado, President of the Republic:

Considering:

First. That there is neither unity nor uniformity in the answers given by each one of the associated banks, respectively, to the two projects presented to them by the government, with the view of arriving at a combination or arrangement which might in some measure lessen the difficulties of the situation;

Second. That it is necessary to begin redeeming the paper in circulation, substituting, as far as possible, sufficient coin to re-establish the equilibrium in mercantile and other transactions;

Third. That the perturbation caused by the emission of 1,030,000 soles which has been made in notes by the Public Works Company, guaranteed by bonds of the State, affects the character of the government, and consequently compels it to protect against loss the issuer and the holders of such paper;

Fourth. That it is not possible to allow the paralyzation of the railroad works contracted with Don Enrique Meiggs, and is indispensably necessary and of recognized urgency that they should be pushed forward to their completion, not only because the government must fulfill its obligations, but because the interests of the country require it, and especially those of the departments in which said railroad are being constructed;

Fifth. The government is fully authorized to this effect by the law of July 9, 1875:

Sixth. That at the same time that these results are obtained, and as a means of making them more beneficial to the country, it is desirable to put in movement some of the government bonds which are at present suspended, without advantage to the State or to the public;

I decree—

ART. 1. The government assumes and obliges itself to pay, in the form determined in this decree, the authorized emission of the associated banks to the amount of 15,000,000 soles.

ART. 2. The notes of which government assumes the responsibility, up to the amount mentioned in the preceding article, will be distinguished by the new official seal which will be put on each of them, by the board of employees and merchants named for the purpose.

ART. 3. These notes will be the only ones admitted in the offices and establishments of the State, municipalities, instruction, and beneficencia.

ART. 4. The state taking upon itself the responsibility held by the banks of paying to the public the value of their notes, the debt of the state to the said banks is thus canceled for an equal amount to that represented by the notes in actual circulation. The balance of the said debt, in order that it be definitely canceled, will be paid to the associated banks in bonds of the internal debt and out of those which the said banks hold in deposit, according to the contract of September 10, 1875, at the rate of eighty per cent., and the government will receive the balance of the bonds forming the said deposit, already mentioned, for the loan of 18,000,000 of soles, it reassumes the

rights which, according to said contract, it conceded to said banks, and it enters at once into possession of the administration of the nitrate and of the sale of guano in the Mauritius.

ART. 5. The government being released from the associated banks by this means, that is to say, by the fulfilment of the obligation which it incurred in the contract of September 10, 1875.

ART. 6. The associated banks will continue administering the nitrate under the same conditions as fixed in their contract with the government, and they will also continue, if it suit their interests, with the guano consignment to the Mauritius, in conformity with the stipulations of their contract, and in such case they will give from the product of the sale of the manure 1,000,000 of soles annually in equal monthly installments, and in specie, for the redemption of notes as prescribed in Article 10.

ART. 7. The government accepts the proposal made to it by Mr. Henry Meiggs, under date 11th instant, and consequently authorizes him to emit notes payable to bearer to the amount of 4,303,333 soles, in order that, added to the 1,030,000 soles which the Public Works Company issued and has in actual circulation without authorization, they form a total emission of 5,333,333 soles, value of the special treasury bonds given to Meiggs for railroad construction; applying to the balance owing to Meiggs for work done, the difference resulting between the rate of 75 per cent. at which the government gave him the aforesaid bonds and the nominal rate at which they are now recovered, and the government assumes the responsibility of the payment of the notes which Meiggs or the before-mentioned company may emit up to the stated sum of 5,333,333 soles, all of which will be officially sealed, and will be admitted in the offices and establishments of the state, of the municipalities, and of the branches of instruction and beneficencia just the same as the authorized notes of the associated banks.

ART. 8. The government having made itself responsible for the payment of the obligations of Meiggs for the total sum of 5,333,333 soles 33 cents which are represented by the bonds payable by the state to the latter on their expiration, the said bonds will be gathered in and canceled as being definitely paid.

ART. 9. The means being thus provided for pushing on the railroad works contracted for by Mr. Henry Meiggs, it being understood that the notes emitted will be solely for that purpose, the government will see to the active prosecution of such works until their termination, and will hold Mr. Meiggs responsible for any damages which the State might suffer through the non-execution of those works.

ART. 10. The government will apply the following revenue to the redemption of the notes of the associated banks and of Mr. Henry Meiggs, the circulation of which it authorizes:

1st. One million of soles annually proceeding from the sale of guano in the Mauritius, which will be furnished by the government or the associated banks, if they continue with the consignment.

2d. The sum which it is now paying to the banks for the service of the loan of 15,000,000 of soles, and which amounts, approximately, to 1,000,000 of soles per annum.

3d. The 80,000 soles monthly, which Meiggs receives from the associated banks for the contract of the 3d February last for the service of the bonds given him by the government.

4th. The value of the £12,000 which the banks are to receive from the government, from the month of September next, in payment of the loan made to it by them of 500,000 soles in specie, with the express stipulation that they be applied to the redemption of notes.

ART. 11. The redemption will take place at the end of each month, beginning in September next, applying in equal monthly proportions the funds designated in the foregoing article. The redemption will take place before a board composed of the president of the government audit department, the director of the financial department, one of the fiscals of the superior court of this district, the prior of the consular tribunal, and two merchants, to be named each month by the minister of finance. The redeemed notes will be destroyed in one of the public squares of this capital and in presence of said board.

ART. 12. The surplus treasury bonds will be exchanged, at the rate of 80 per cent., for titles of the internal consolidated debt, out of those which may remain disposable after making the payment to which part of them are destined, in conformity with the present decree.

The minister of finance is hereby instructed to attend to the carrying out of this decree and to its publication and circulation.

Given in the government house in Lima on this 17th day of August, of the year 1877.

MARIANO I. PRADO.

JOSÉ FELIX GARCIA.

[Inclosure 3 in No. 192.—Translation.]

*Mr. Meiggs in answer to the foregoing decree.*

LIMA, August 18, 1877.

His Excellency General DON MARIANO IGNACIO PRADO:

YOUR EXCELLENCY: The public works of the country being threatened with complete paralyzation through the want of funds wherewith to carry them forward, its commercial and financial interests overwhelmed by a crisis of most difficult solution, I had recourse to your excellency to solicit the means which, by averting serious evils, would permit the prosecution of the railroad works and the development of the national wealth.

The decree of your excellency, dated yesterday, has saved the situation; and in addressing myself to your excellency to-day, expressing my profound gratitude, it is not in the name of my own interests compromised in the matter. Your excellency, with the honorable and loyal views which characterize you, and in benefit of the fiscal interests and of the future, has been pleased to frame a resolution which will be the means of fecundating the soil in which the seed sown with so much anxiety and sacrifice was threatened with destruction.

On asking from your excellency that which your excellency has decreed, I have not been prompted by egotistical motives. Rooted in the country, and with me all I possess, my sole desire has been, and is, to see terminated the works intrusted to me, and in order to secure that object, I shall, as heretofore, omit no sacrifice.

When the public works are once terminated; when, thanks to them, industry and enterprise open their doors to all classes and fortunes; when the nation commences to reap abundant fruits and to see itself once more in the ranks of the richest and most productive, then your excellency's decree will appear as one of the most brilliant pages in the history of your administration.

Meanwhile, with all the energy and constancy of which I am capable, and inspired by the same confidence in the future which animates your excellency, I shall redouble my efforts to terminate the works in the shortest time possible.

Heartily desiring the well-being of your excellency, I reiterate the sentiments of esteem and respect with which I subscribe myself, &c., &c.,

HENRY MEIGGS.

No. 410.

*Mr. Gibbs to Mr. Erarts.*

No. 194.]

LEGATION OF THE UNITED STATES,  
*Lima, Peru, September 10, 1877. (Received Oct. 13, 1877.)*

SIR: The press of this capital, on the 5th instant, published a note from the Peruvian consul-general at San Francisco, Cal., to the department of foreign affairs here, relative to the anti-Chinese riots in that city and of the emigration of the Chinese from there. I inclose copy of the note and translation; also extracts from the South Pacific Times of Callao in reference to the note.

There is every desire to increase the immigration of Chinese into Peru by the government, but I doubt that they will go into the fields or on the plantations to labor, if not especially contracted in some way for such purposes, as the work on sugar plantations is hard and continuous; for light work, wanting patience, constancy, and attention, I think they are most excellent.

For various reasons the Chinese Government should have some agent or authorized person here to look after the interests of its subjects, who, I fear, are often at the mercy of ill-disposed and mercenary parties, who take advantage of their helplessness.

I am, &amp;c.,

RICHARD GIBBS.

[Inclosure 1 in No. 194.—Translation.]

*Chinese immigration.*

The consul-general of Peru at San Francisco, Cal., has sent the following note to our minister of foreign affairs :

"SAN FRANCISCO, July 27, 1877.

"SIR: On account of the outrages of the mobs against the Chinese, of which I wrote in dispatch No. 43, I have tried to incite the Chinese companies of immigrants to go to Peru. To-day six of these companies are to have an interview with my agent, to take into consideration the idea, or to send some one of the agents of the companies, to represent all, to Peru, to learn what advantages that country offers to the Chinese; of these there are to-day in this city over 5,000 without work, and many establishments are discharging all Chinese employés. An opportunity may offer to send this number or more to Peru by steamer or sailing-vessels, and I would have to pay their passages. I think, therefore, the government or planters of Peru should provide a credit to me or some other person. In this matter the government or the planters should have an agent in this city with means and instructions, and with patriotic interests, to persuade the Chinese to go to Peru.

"I think it were well that the planters of Peru should have knowledge of this note in a private manner or through the press.

"God guard you.

"FREDERICO DE LA FUENTE Y SUBIRAT.

"To the MINISTER OF FOREIGN AFFAIRS."

[Inclosure 2 in No. 194.]

*Mob law and the Chinese.*

[From the South Pacific Times, Saturday, September 8, 1877.]

We publish in our news columns the substance of a report received by the government from its consul-general in San Francisco, Cal., from which it appears there are great numbers of Chinese in that city who are wishful to emigrate. During the recent strikes they seem to have been the special victims of the infuriated mob, by whom they have invariably been held in great detestation, and in consequence of the ill treatment they have experienced and the menacing attitude still maintained toward them by the working classes they are compelled to leave the country.

This is surely a favorable opportunity for Peruvian estate owners and sugar cultivators to procure the labor they are so much in want of. The distance being shorter and the expense less, it is evident they would effect a considerable economy by making their contracts in California instead of in China; while, on the other hand, they would procure a class of labor more intelligent and further advanced in civilization than the raw material, from the fact of their having been already for some time in contact with people of European race.

Many persons will no doubt be opposed to the idea on account of the known characteristic defects of the race, and on the ground that the services of a people driven from one country cannot be very acceptable or very useful in another. But it must be borne in mind that this country is not in the same position in respect of labor as California, and also the peculiar circumstances attending the exit of the Chinamen from that State. It has been repeatedly stated that the agriculture of Peru imperiously requires labor. Such being the case, there can be no choice, and in default of better, the country must content itself with such as is available and can be most easily procured.

Despite the bad qualities of the Chinese laborer, he has become essential to Peru, and although we agree that, from a certain point of view, his introduction into the country is objectionable, still if the want of labor is to be the death of agriculture and its contingent industries, of two evils it is infinitely preferable to choose the lesser one. European emigration merits the preference, but it is more difficult to procure, while the expense is considerably greater, and even when procured, it is unsuitable for the agriculture of the coast, which at present is by far the most productive and the most extensively developed. Europeans cannot stand the rigor of our coast climate, and, as we have said on other occasions, are only applicable for the cultivation of the higher and more temperate regions of the Andes.

The only people suitable for coast labor are the Africans and Chinese. The first are not to be had; the latter are constantly and rapidly diminishing in numbers. In order to replace them and increase their numbers as far as necessary, the government,

some time ago, made a contract with the house of Oliphant & Co. for the establishment of a line of steamers between this country and the principal ports of China, granting them a subsidy for the purpose, and soon, we believe, they will commence operations. This fact in itself is enough to prove that it is absolutely necessary to encourage and foster Asiatic emigration; therefore, what better opportunity can there be, in the mean time, than the one we advocate? Of course we might wait until the line be opened, but meanwhile many agriculturists will suffer by the delay. It is for them to profit by the very practical suggestion of the consul-general. By appointing him as special agent with full powers to negotiate, he might easily make known the advantages offered by this country to that class of emigrants, and the means of transit from San Francisco to Panama being very easy, it is probable that many would undertake the voyage at their own expense and thus avoid prejudice to the contractors. Estate owners who are now feeling the want of labor ought not to treat the matter with indifference, for if they will go into it with a little energy, they will soon be amply remunerated for any trifling expense incurred in carrying so convenient a measure into effect.

---

*Second article from the South Pacific Times.*

The Peruano of the 4th instant publishes three official documents, the substance of which we translate on account of their importance.

The first is a report from the Peruvian consul-general in San Francisco, dated July 17. It announces to the government the rising which has recently taken place among the artisans and laborers in various parts of the Northern Republic, and also that it has extended to San Francisco. In the latter place the anger of the populace was chiefly directed against the Chinese; many of whom were maltreated and others assassinated, the aversion of them being very deep-rooted. More than a hundred Chinese laundries were set fire to.

The same functionary communicates on the same date to the ministry which it concerns, that in consequence of those attacks he endeavored to excite the interest of the Chinese emigration societies with a view to inducing them to send their countrymen to Peru. In consequence of his exertions six of the said societies are now in negotiation with him for that purpose.

The consul-general thinks that the government or the estate owners of this country ought to provide him or some other person with a credit sufficient to enable him to carry out the idea, and that it is very necessary there should be an agent there who, being furnished with means and instructions, might persuade the Chinamen to emigrate to this country.

---

No. 411.

*Mr. Gibbs to Mr. Everts.*

No. 208.]

LEGATION OF THE UNITED STATES,  
Lima, Peru, October 24, 1877. (Received November 22.)

SIR: I have the honor to inclose copies of correspondence between this legation and Mr. Clayton, United States consul at Callao, in reference to a question of depositing ships' registers in the captain of the port's office in places where there is no United States consul.

The Italian minister has had quite a discussion with the Peruvian Government on this matter; but I have taken the ground that it is a law of the country, and as such must be obeyed. I inclose copy and translation of the decree.

If the Department thinks it necessary that I should take any further notice of the matter I will be happy to receive instructions regarding it.

I am, &c.,

**RICHARD GIBBS.**

[Inclosure 1 in No. 208.]

*Mr. Clayton to Mr. Gibbs.*

No. 8.]

UNITED STATES CONSULATE,  
Callao, September 11, 1877.

SIR: I have the honor to inclose herewith the copy of a letter received from Mr. John P. Turner, master of the American ship *Jane Fish*. The *Jane Fish* arrived here from New York on the 23d of August, 1877, with an assorted cargo for this port, and an engine and ten cars for Ancon, for which latter port the ship cleared on the 7th of September from this port, and on arriving at Ancon his papers were examined by the custom-house authorities and permission given to discharge, which permission the captain of the port treats as a nullity, and demands from Captain Turner the register of the ship as the only condition of being allowed to discharge.

To avoid all delay and expense, Captain Turner gives up all his papers under protest, and refers the matter to this office, thereby invoking the protection of his government against what he thinks is an unlawful act on the part of the captain of the port at Ancon, in which opinion I concur with him; and, in referring the matter to you for such action as you may think proper, would deem it an act of presumption to enumerate the reasons for such an opinion to one as learned as you are in the custom and practice of maritime law.

I am, &amp;c.,

ROBT. F. CLAYTON.

Hon. RICHARD GIBBS,  
*United States Envoy Extraordinary and Minister Plenipotentiary, Lima.*

[Inclosure 2 in No. 208.]

*Mr. Gibbs to Mr. Clayton.*LEGATION OF THE UNITED STATES,  
Lima, Peru, September 28, 1877.

SIR: Your communication of 11th instant, with a copy of a letter from John L. Turner, master of the ship *Jane Fish*, was duly received.

I should have answered before this, but having been informed that the Italian chargé d'affaires was in communication with the minister of foreign affairs on the same subject, that is, the right of the captains of the port, where there is no consul to represent the vessel's nationality, to demand the register of the master for deposit.

The minister of marine has answered the inquiries made in reference to the matter, which shows there is a decree of the 21st of June, 1828, that demands the deposit of the register in the captain of the port's office. This decree was given for the reason that vessels left without going through the form of clearing. I inclose a copy of the decree for your information.

Yours, &amp;c.,

RICHARD GIBBS.

[Inclosure 3 in No. 208.—Translation.]

*Copy of decree relative to deposit of ships' register in captain of port's office.*

## CIRCULAR.

Department of state, in the department of the treasury, Peruvian Republic, government house, in the capital, Lima, the 21st of June, 1828.

To the prefect of the department of ———:

Through the department of state, in the office of government and foreign relations, a supreme resolution has been communicated with yesterday's date, which is as follows:

I inclose to you by supreme order, for the end that may offer, the license and the crew-list left in the hands of the general commander of marine, the captain of the American ship *Galon*, which sailed surreptitiously, from the port of Callao, and without receiving the last naval visit, which is practiced in all the ports of civilized nations. As those examples are being repeated, and it is necessary to place a legal obstacle to avoid it, the government has resolved that through the department under your charge rules may be given in order to have the national register of all merchant vessels anchoring in the ports of the republic in the captain of the port's office, who shall be obliged to return them immediately after the last official naval visit.

Your excellency is also aware that the liberty with which boats are sailing off to any distance contributes in fomenting smuggling. It is resolved that in future none of them can go beyond the line of vessels anchored without previous license, and under the penalty to be declared as smugglers.

Transferred to your excellency for your knowledge and consequent effects.  
God guard your excellency.

JOSE GREGORIO BAREDES.

(Collection of Laws, 1832, v. 3, page 120.)

No. 412.

*Mr. Gibbs to Mr. Evarts.*

No. 211.]

LEGATION OF THE UNITED STATES,  
*Lima, Peru, October 26, 1877. (Received November '22.)*

SIR: In my dispatch No. 206 of October 20, I stated the cause of my remaining was the election about to take place and the fears of political disturbances.

The election day, or forming of the booths or polling tables, passed without bloodshed, the government having taken strong precautionary measures, said to be unconstitutional, but has had the effect of the dreaded day being passed without loss of life. I have given the Department some idea of the way elections are held in my dispatch No. 36, October 20, 1875. In dispatch No. 50, of January 13, and No. 90, of August 21, 1876, I have given some information of the different parties in the country, particularly in dispatches No. 127, of February 3, and No. 150, of May 12, of this year.

Since these dispatches have been written the country has been apparently formed into two grand political opposing parties; the "Civilists," as mentioned in the aforesaid notes, and the new-named party "Nationals," or fusionists, composed of the adherents of President Prado, the military party, and the "Pierolists," or ultra-montane party. Up to the present, here in Lima and adjoining places the "Nationals" have apparently carried the election.

It appears that in the present Congress, or the part that hold over, there is a majority for the "Civilists," and the nationals are using all means, by electing their candidates, to counteract this; but the Congress, when opening, July 28, have the power to decide who have been legally elected, and can throw out the claimants of the seats in senate or chamber of deputies, so apparently the Civilists have a preponderance of power.

The government has used very efficient preventive measures to avoid conflicts in the streets between the political clubs. The "Civilists" in their organs, three of the four principal daily papers of the city, make serious charges against the government, declaring that its interference by armed force is unlawful, and therefore the elections are a nullity, which will give cause for throwing out those who may be elected.

I am, &c.,

RICHARD GIBBS.

No. 413.

*Mr. Gibbs to Mr. Evarts.*

No. 222.]

LEGATION OF THE UNITED STATES OF AMERICA,  
*Lima, Peru, February 11, 1878. (Received March 5.)*

SIR: Referring to your dispatch No. 80, of September 28 last, received at the legation by Mr. Stuart, during my absence, I have the honor to

inform you that I gave instructions to Mr. Stuart to open the dispatches from the department, and in case of anything important, or urgent, to be communicated to this government, to take a copy of the dispatch and place it in the hands of Mr. Godoy, the minister from Chili, and dean of the diplomatic corps, to be transmitted to the minister of foreign affairs.

As the dispatch referred to was received four days after my departure, and some time might elapse previous to my return, Mr. Stuart deemed it necessary to act on my instructions, and sent a copy to Mr. Godoy, which was delivered by him to the minister of foreign affairs.

I have now the honor to state that the Peruvian Government has sent me a note in answer to the above-mentioned dispatch, of which I inclose copy and translation.

Mr. Rospigliosi, minister of foreign affairs, unofficially informed me that it was the intention of the Peruvian Government to send a person as minister plenipotentiary who was thoroughly acquainted with the English language.

I am, &c.,

RICHARD GIBBS.

[Inclosure in No. 222.—Translation.]

*Mr. Rospigliosi to Mr. Gibbs.*

No. 5.]

DEPARTMENT OF FOREIGN AFFAIRS,  
Lima, February 9, 1878.

SIR: Opportunely I had the honor of receiving the communication addressed to this bureau from the legation of the United States of America in China, referring to the convenience that Peru should appoint a commission of two young Peruvians to learn the Chinese language, which might in the future serve the interests of this republic.

In answer I am pleased to inform your excellency that my government esteems in a high degree the idea initiated by the representative of the United States in China, and in virtue of which will occupy itself in preference to this object.

I improve this opportunity to reiterate, &c.

J. C. JULIO ROSPIGLIOSI.

No. 414.

*Mr. Gibbs to Mr. Evarts.*

No. 223.] LEGATION OF THE UNITED STATES OF AMERICA,  
Lima, Peru, February 11, 1878.

SIR: I have the honor to refer to my dispatch No. 194, of September 10, and No. 203 of October 19 last, relative to intentions of inducing Chinese immigration from San Francisco to Peru.

I inclose an advertisement from one of the papers of this capital, signed by the Peruvian consul-general at San Francisco, who offers to act as agent or contractor. I inclose an article from the South Pacific Times on the subject, which embodies a translation of the advertisement except the last part, which I append in writing.

I am, &c.,

RICHARD GIBBS.

[Inclosure with No. 223.]

*Chinese immigration from San Francisco.*

[From the South Pacific Times, Saturday, February 9, 1878.]

The Lima papers have recently published the basis of a contract for the immigration of Chinese laborers from San Francisco to this country, signed and forwarded by  
46 F B



Señor La Fuente, the Peruvian consul-general in San Francisco. We presume it to be an evidence that the gentlemen who proceeded to California a few months ago for the purpose of seeing what could be done in this matter, have now a prospect of satisfactorily accomplishing the purpose of their mission.

The contract in question apparently offers no objectionable features, while the Chinaman is thereby placed on a much better footing than has hitherto been the case with his class.

It is to be hoped this will result in a large influx of labor, of which the plantations are at present in such urgent need, but the permanent success of the scheme undoubtedly rests with the planters themselves, who, if many accounts be true, do not invariably treat their coolies with that consideration to which, as hired laborers and fellow-men, they are entitled.

Slavery is no longer an institution of this country, although many of the wretched plantation hands are or have been treated as little better than slaves, in innumerable instances. It has invariably been the case, however, where such has been the policy of the planter, that he has incurred great loss and inconvenience through the desertion and self-destruction of his laborers, goaded to desperation by the brutality of their cruel task-masters. On the other hand, where the Chinamen have been humanely treated, they have amply repaid it, and on the expiration of their contracts, have willingly renewed them, or at least continued to labor on the plantations in return for moderate remuneration.

If the stipulations of the new contracts be strictly adhered to and enforced by the legislature, we see no reason why the Chinaman should be dissatisfied with his lot in this country, and why the labor question should continue to preoccupy the mind of the agriculturist, who, as we said before, clearly holds the remedy in his own hands.

The following are the particulars of the contract it is proposed to establish:

The Chinamen will be employed in agriculture, manufacturing, mining, and domestic service, but not in the guano deposits.

They will work ten hours per day, save on Sundays, on the three days when the Chinese new year is celebrated, and Good Friday. In case it should be absolutely necessary for him to work beyond the ten hours, he will be paid ten cents silver for every hour in excess, be it night or day; the same will be paid him on feast-days if he wishes to work.

The Chinaman agrees to work for his master during three years (this is what they propose now, but it will most probably be extended to five), and if he is dissatisfied he may leave his service, but he will give two months' notice of such intention and will pay him \$80 in American gold, in addition to the 24 soles hereafter mentioned, and the master may transfer the contract if dissatisfied with the Chinaman or for any other cause.

Señor La Fuente or his representative will provide the Chinaman with a free passage to Peru, and will give him in San Francisco a month's wages in advance, to be deducted from his wages in Lima in two equal monthly proportions. Señor La Fuente may transfer this contract to any person in Peru.

The employer will pay to the Chinaman at the end of every month 16 soles in Peruvian silver money, and will provide him with a free habitation, food, tools, water, and fuel daily, during the existence of his contract; he will also find medical attendance and supply him with two pairs of trousers and two blouses a year for his work.

The food of the Chinaman will consist of a pound and a half of rice and vegetables and fish every day, and meat twice a week. If the Chinaman prefers to feed himself, his master will give him the equivalent in silver.

If a Chinaman, through his own fault or sickness, should miss a day's work, or more, those days will be deducted from his wages.

If a Chinaman runs away and is subsequently recaptured, the time he has been absent from work will be added to that specified in the contract.

The Chinaman will refund to his master 24 soles in Peruvian silver soles, the cost of his voyage, at the rate of one sole per month, or more if he wishes.

The master will pay any taxes which may be levied on the Chinaman in conformity with the laws of the country.

The Chinaman will not be whipped or degraded, and he compromises himself to do his work faithfully and diligently. It is understood that the payment for extra work, the exemption from work on the feast-days specified, and the gift of clothes does not refer to Chinamen in domestic service.

The consul estimates the cost of transport from California to Peru at \$60.20, American gold, per head, but this would be cheaper if the passage were made by sailing-vessel.

Those persons desirous of securing labor on the foregoing conditions may do so by remittance of funds and application by telegraph or otherwise to Señor La Fuente.

Commission to Señor La Fuente as agent.....	\$15.00
Extra charges, including \$1 for consular certificate.....	2.00

For advance of one month's salary .....	\$13. 60
For passage to Panama per steamer .....	30. 00
For passage to Callao from Panama per steamer .....	20. 00
	<hr/>
	80. 60
Deduct amount repaid by Chinaman .....	20. 40
	<hr/>
Total gold .....	\$60. 20

By this calculation the sol is valued at 85 cents, American money. Price of passage from San Francisco to Panama may be less; that from Panama to Callao is, I believe; no one can supply this demand cheaper than myself.

By sailing-vessel, passage-money would be one-half less. The Chinese principals of the houses with whom I am in relations prefer to make the contract with a person who represents an official character, taking that as a greater guarantee that the contract will be carried out.

Planters or persons who wish to send me their orders may do so by telegraph and remit money with the conditions and instructions they may deem necessary, through some of the commercial houses of Lima.

Allow me to recommend Messrs. Graham, Rowe & Co., whose correspondent in San Francisco is the respectable house of Hellman Bros. & Co.

San Francisco, California, December 30, 1877.

FEDERICO DE LA FUENTE Y SUBRIAT,  
*Consul-General of Peru.*

No. 415.

*Mr. Gibbs to Mr. Evarts.*

No. 239.] LEGATION OF THE UNITED STATES OF AMERICA,  
*Lima, Peru, April 11, 1878. (Received May 4.)*

SIR: I beg to refer to my dispatches No. 107, of November 13, 1876, and No. 147, of May 11 last, referring to Chinese in this country. The steamer *Perusia*, the first of the line established for emigration of Chinese from Hong-Kong, arrived at Callao March 2, ultimo, with a full cargo of merchandise, but no emigrants. Mr. Geary, of the house of Olyphant & Co., of Hong-Kong, the originators of this enterprise, arrived with the steamer to explain to this government the cause of the vessel leaving the above port without passengers. It appears that the house of Olyphant & Co. had over 1,000 laborers only too willing to come to this country, the ship being fitted in good style, with good accommodations between decks, and all prepared, when Mr. Pope Hennessey, colonial governor of Hong-Kong, prohibited the men from embarking, under some law that was passed during the excitement of the coolie trade, which made it a penal offense, with fines and confiscation of the vessel, to take any person from that port under contract without the sanction or license of the government; but as that referred to a different matter—the infamous coolie trade—and this being a legitimate business of emigration, with contracts to pay the passage after arrival here, in the same manner that emigrants are now leaving United States ports for Australia, it appears to have been a great stretch of technicalities. This voyage of the steamer, I learn, has entailed a heavy pecuniary loss on the contractors, but they appear rather disposed to bear it than in any way directly or indirectly to infringe laws or technicalities.

I have not altered my ideas as regards the treatment of the Chinese, as reported in my dispatches above referred to, written some months ago.

I have had more opportunities of studying the question, through time and a more extended observation, and cannot fail to see that the Chinese are as well treated and protected as any other class, natives or foreigners.

I am, &c.,

RICHARD GIBBS, *le*

No. 416.

*Mr. Gibbs to Mr. Evarts.*

No. 244.] LEGATION OF THE UNITED STATES OF AMERICA.

*Lima, Peru, April 26, 1878. (Received May 18.)*

SIR: Referring to your circular dispatch marked "separate" of July 16th last, I have dedicated some time in trying to gather statistics so as to be able to give you some information relative to the commerce of Peru. Unfortunately the bureau of statistics ordered by the Government of Peru, and in operation now more than two years, has not accomplished anything yet to show the result of its labors. My information is gathered from personal observation, articles in the press—native and foreign—and interviews with the prominent merchants in the foreign trade.

The exports of Peru consist principally of—

	Estimated value per annum.
Guano .....	12,000,000
Sugar .....	8,000,000
Nitrate of soda .....	6,000,000
Wool .....	3,500,000
Silver .....	3,500,000
Copper .....	2,000,000
Cotton .....	1,000,000

Bar tin, wines, vicuña, and chinchilla skins or furs.

Various estimates that I have seen make the total of exports over 40,000,000 soles. Guano for Europe is estimated at 400,000 tons per annum; for the United States and West Indies, 100,000 tons; producing, in all, 12,000,000 soles. Guano seems to be inexhaustible for many years to come. New discoveries of more or less value are reported frequently, but the large deposits of clear guano seem to have been cleaned out, and the places now worked give some foreign material, being at times mixed with stone, gravel, or earth.

I wrote a dispatch on sugar March 13, 1876, No. 63, showing what an important industry it had become in Peru. The amount produced this year was about 100,000 tons, of which was exported to—

	Tons.
Great Britain (official) .....	63,370
Chili (calculation) .....	18,000
Other countries (calculation) .....	6,000
Consumption .....	12,000

I will call your attention to the increase of this trade with Great Britain in eight years.

	Tons.
Sugar exported to that country, 1870 .....	251
1871 .....	4,370
1872 .....	6,570
1873 .....	15,400
1874 .....	23,700
1875 .....	50,000
1876 .....	55,000
1877 .....	63,370

The sugar produced in this country is of a good class, and sells well in the English market, particularly for refining purposes, as the greater part of it is fine centrifugals; all above No. 16. It is kept out of our market on account of duties, which, I perceive, are augmented by the proposed new tariff presented to the House of Representatives for debate, according to my last advices.

Nitrate of soda is an article that has increased in production and ex-

portation from this country. It is used for many purposes—for extracting various chemicals, and also used greatly in Europe as a fertilizer. Contracts are about to be signed to supply one of the heaviest English houses on the coast annually 5,500,000 quintals, or 275,000 tons.

In my dispatch No. 76, of July 13, 1876, I gave a detailed description of nitrate affairs, and the decrees of the government, which I beg to refer to.

The following statement shows the total amount shipped from Peru for a number of years, with other details :

Year.	Total amount shipped from Peru.	Discharged in the United Kingdom.	Average price per quintal.
	Tons.	Per cent.	s. d.
1830 .....	841		
1840 .....	55,549		
1844 .....	85,687	30	16 1½
1845 .....	109,911	41	13 6
1846 .....	98,446	40	11 0
1847 .....	114,765	44	10 9
1848 .....	85,793	53	13 3
1849 .....	112,417	39	15 9
1850 .....	132,454	41	15 9
1851 .....	162,206	46	15 6
1852 .....	198,984	42	15 3
1853 .....	281,870	45	14 9
1854 .....	252,575	41	12 3
1855 .....	323,600	48	11 9
1856 .....	322,387	47	11 6
1857 .....	236,417	29	14 0

The product of Peru could be made up to 10,000,000 of quintals annually if all the factories were at work. The factories to-day at work have the producing power of—

State works.....	4,020,000 quintals and do produce 2,812,000
Private .....	4,330,000 quintals and do produce 3,610,000
	6,422,000

The consumption of nitrate in the United States is calculated at 25,000 tons per annum; the house of Olyphant & Co., of New York, have a contract with the government to receive that amount or 500,000 quintals. It is not used as a fertilizer in the United States, which partly accounts for the immense difference in the amount consumed in the United States and Europe. I perceive that by the proposed new tariff nitrate is taken off the free list, and a duty of 20 per cent. to be placed on it; if that becomes a law I suppose it will partly check the importation.

Wool is a very important article of export from this country, and increases steadily, and when the Oroya Railroad, leading from Callao via Lima to the interior, reaches well into the department of Junin the export will be heavier. The most valuable wool that leaves Peru is the alpaca, and exported mostly to England, into which country there was imported—

1875. 3,982,859 lbs., valued at .....	£528,412
1876. 3,412,152 lbs., valued at .....	384,469
1877. 3,561,806 lbs., valued at .....	362,622

The price varies from 35 cents to 60 cents in silver per pound; to-day the price in Arequipa, the great wool depot, is forty silver sols per quintal. England, I believe, is the country that works this wool into the well-known alpaca cloth, and the material is only produced in Peru and Bolivia; found in the high plateaus of the Andes up to 14,000 feet and

over. On my late trip to the south of Peru I saw large flocks of the alpaca above the altitude of 12,000 feet. It is ruminant, herded in the same manner as sheep, of the same family as the llama, guanaco, and vicuña; the two last are wild, the llama and alpaca domestic. The former are used as beasts of burden, particularly for metallic ores, of which they will carry about 100 pounds, very sure-footed, and peculiarly fitted for the narrow and precipitous passes of the Andes; the alpaca for its wool, which is distinguished for its fineness, being silky, very long, without oleaginous matter, white, black, and cinnamon colors. An attempt was made to introduce them into Australia, but I understand that it failed, lacking the peculiar grasses of the Andean altitudes, which are more or less impregnated with nitrate salts.

Puno and Jumin are the two departments which produce the most wool. Junin lies between latitude  $10^{\circ}$ , longitude  $12^{\circ}$  south, and Puno  $12^{\circ}$  to  $17^{\circ}$  south.

From the port of Mollendo, the outlet of the department of Puno, I have an exact account of the exports of wool of all kinds, and all to Great Britain.

Description.	Spanish weight.		
	1875.	1876.	1877.
	<i>Lbs.</i>	<i>Lbs.</i>	<i>Lbs.</i>
Alpaca, first quality .....	2, 674, 500	2, 978, 000	2, 582, 400
Alpaca, inferior.....	494, 100	464, 000	525, 400
Sheep wool .....	2, 110, 700	1, 954, 300	2, 982, 800
Total .....	5, 279, 300	5, 396, 300	6, 050, 600

From Arica were exported, in 1877, 501,548 lbs. of alpaca wool, valued at 190,588 sols, and of sheep's wool 35,450 lbs., at 8,862.50 sols. These two ports, Mollendo and Arica, are the most important for the export of wool at present.

Silver is one of the great products of Peru, but the most difficult to learn of as regards the export, as I have already explained in my dispatch No. 108, of November 21, 1876.

The press, in various discussions on the trade of the country, put it at 3,500,000 sols per annum. I think it much more. From a report taken from the South Pacific Times, of the exports from Arica for the year 1877, it amounts to 2,089,882 sols in bars and silver coin. From various sources of information, I calculate over 6,000,000 in bars and ore per annum.

Of gold I can get no positive information, although it is continually shipped from the country in small quantities from all parts—all or the greater part in dust or small nuggets.

Copper: is all exported to England, and is estimated at the value of over 2,000,000 per annum, which I think falls far short of the actual amount, taking ores and bars together, and by the increasing railroad facilities to the interior the export will undoubtedly augment greatly.

By statistics published here from the Peruvian consul at Southampton, the amount of imports into Great Britain from Peru in the year 1877 amounted to £5,525,516, and exports in the same period to £618,049. I doubt this as being a fair test, for I suppose cargoes of guano and nitrate go there for orders, which are often sent to other parts of Europe. The government draws on England for all amounts for current expenses, and another fact is that on account of the depreciated currency and depressed

financial affairs in Peru, exportations from England have been much reduced.

Imports into this country consist of cotton goods, woolen goods, machinery, crockery, and porcelain, boots and shoes, paper of all kinds, hats, lumber, sewing-machines, perfumery, soap, agricultural implements, rubber goods, kerosene in large quantities. Good petroleum has been discovered on various parts of the coast and near tide-water, apparently abundant, and the production is as yet in its infancy; and I only know of one refinery in operation, that is doing a large and increasing business.

Wheat is imported. In the time of the colony, the coast cities and towns were supplied from the valley of Cajamarca in the north, and none imported. From commercial statistics published by the Government of Chili, I find there was exported from that country to Peru—

1-75.	29,690,808 kilograms of wheat, value.....	\$1,275,755 00
1-76	32,357,833 kilograms of wheat, value.....	1,532,518 00

This is a business that could be done with California if there was any chance of returning merchandise. Some is now being imported. I see by the press that by the latest dates from San Francisco, two vessels were loading wheat for Callao, each with 1,000 tons.

Importations into Peru from England for ten months of 1877 to October 31, consisted of 32,718,300 varas of cotton goods, 441,600 varas of woolen goods, 739,700 varas of linen goods, 1,280 tons iron, unwrought, bars, &c., 1,262 tons iron, wrought, hardware, &c.

From Germany there have been imported for the six months ending December 31, 1877, groceries, silk and woolen goods, hardware, glassware, pianos, drugs, hats, cigars, coal and iron to the value of \$1,117,769.

From France, cotton goods, hats, stationery, furniture, canned meats, woolen goods, shoes, jewelry, dresses, leather, and fancy goods, for three months ending December 31, 1877, to the value of \$2,855,625 francs. This is considered very light, and in normal times would have been over four millions.

As Peru on the western slope of the Andes produces little or no timber, large quantities are imported, principally from California and Oregon; some hard woods and cedar from Ecuador. I have no statistics on the matter, but it is a very heavy trade.

I believe there are only three manufactories of woven goods in the country; one of cotton drills and domestics near Lima, two of woolen cloths, the largest and most important near Cuzco, and another in the north near Huaraz; product of all, very superior. The cotton-mill is worked entirely by Chinese, and the woolen one at Cuzco by the native Indians. It is difficult to make changes in a long-established trade where a heavy capital is employed.

I beg to refer to my dispatch No. 182, of August 6 last, relative to the nationalities in this country, wherein I show the hold which English commerce has by reason of many years' dealing with established houses; and merchants (exporters and importers) cannot be expected to form new relations by breaking off old ones for something that may be, to them, more or less doubtful; still, whenever American manufactures have been brought in contact with European products, they have been preferred, dry goods and furniture principally, with some hardware, there being no doubt of their superiority, but the trade is held back, for returns cannot be sent to the United States on account of the tariff. One of the principal sugar-planters said, that from experience he had found the machinery from the United States to be superior to that of Europe, and he added, "I must get my wants supplied to make my sugar from the country that buys from me."

Many of the foreign houses here employ German clerks. One of the largest English houses on this coast is directed by a German. The admirable commercial education which Germans go through makes them eminently fitted to enter business houses, where, with their steady business habits, they work up from a clerkship to a partnership in the firm. It is rarely that one meets a German clerk who does not understand and speak English, French, and Spanish, besides his own language.

There are two causes that work directly against trade with the United States from this country. The principal is our tariff, which operates against shipments, and I see by the proposed new tariff before the House, by my last advices, there are many articles that were formerly on the free list which will be taxed. I think that will be injurious to the extension of trade from these countries to the United States, reducing the amount of return, for commerce always tries to remit merchandise to repay shipments received. The merchant consignee is always desirous of earning his commissions on articles received and remitted. The articles to be taxed with duties, now free, produced in South America, are bitter barks, cochineals, gums, indigo, fms, hides, skins, India rubber, nitrate of soda, cocoa, gutta-percha crude, and sarsaparilla crude. Another cause are the freights from the United States to this country. Merchandise can be shipped from England, France, and Germany by steam at much lower rates by the different lines, either via the Isthmus or by the Straits of Magellan, than from New York by the shortest and most direct line, the Isthmus.

Our carrying trade is slowly increasing on this coast, as you will perceive by the following note, and we hold the supremacy of fine large carriers. The result of the heavy tonnage turned out of the Maine shipyards these last two years is being seen in the comparison with the vessels of the European nationalities arriving at this republic for the year 1876-'77:

1876.

Nationality.	Vessels.	Tons.	Average.
English .....	142	126,728	894
American .....	56	63,075	1,126
Italian .....	47	34,689	738
French .....	26	13,508	519
German .....	19	11,518	606
Norwegian .....	14	9,450	675
Swedish .....	13	7,625	586
Belgian .....	2	1,890	945
Portuguese .....	1	909	909
Austrian .....	1	290	290

1877.

English .....	200	201,413	1,007
American .....	98	121,952	1,244
Italian .....	55	37,524	682
French .....	41	19,780	482
German .....	32	23,077	722
Norwegian .....	11	9,903	900
Swedish .....	7	5,036	719
Belgian .....	2	1,308	654
Portuguese .....	1	900	900
Danish .....	2	758	379
Russian .....	1	882	882

Since writing the above, I see by this evening's papers a note has been published of the value of exports and imports into Peru to and

from Great Britain alone, for the years 1872 to 1877 inclusive, which I append :

Years.	Importations.	Exportations.
1872	£3,344,849	£4,211,723
1873	2,741,255	5,210,573
1874	1,819,977	4,501,213
1875	1,650,000	5,700,000
1876	634,909	5,881,866
1877	423,507	6,986,333

Mr. A. Raimundi, the well-known scientist of Peru, has just issued his great work entitled "Minerals of Peru," published by the government, and closes his labors with a "conclusion," which I translate and indorse :

By the reading of the present catalogue an idea can be formed of the mineral products of the republic, adverting that the samples of this collection represent only the principal classes; as for some minerals, such as the argentiferous lead ores, the gray copper, iron, and coal, to indicate alone the localities where they are known to be would fill volumes. If the valuable deposits of guano and nitrate are taken into account, it can be said, without any exaggeration, there is no country in the world that possesses such various and abundant mineral resources as Peru; and if the nation knew how to take advantage with care of these precious gifts of nature, it would again justify before the world her ancient opulence, and Peru will again be, as in other times, the symbol of "riches."

I am, sir, &c.,

RICHARD GIBBS.

No. 417.

*Mr. Gibbs to Mr. Evarts.*

No. 257.] LEGATION OF THE UNITED STATES OF AMERICA,  
Lima, Peru, June 25, 1878. (Received July 15.)

SIR : On the 14th instant, the President, through an aid-de camp, informed me that he wished to have an interview with me. I called at the government house and met the President. His Excellency referred to various conversations that we had held on the manner of extending and improving commercial relations between the two countries, and desired to know if there was any manner of making a reciprocal treaty for one or two important products of both republics—wheat and barley from the United States, and sugar from Peru; by the free introduction of these articles and a reduction by the United States on Peruvian sugar. The President stated that he personally and the country were very desirous of doing everything possible to increase the volume of trade to and from the United States. I answered that at present, from the appearance of affairs in the United States, I doubted if anything could be done, as by last dates received, up to the 20th ultimo, a tariff was being discussed in the United States Congress which would increase slightly duties on the higher grades of sugar, but that I doubted its passage this session. In the mean time I would have the pleasure of giving his views to my government.

I have talked on this subject at various times with the President, and have had the honor of speaking in relation to it to your predecessor, Mr. Fish, in April, 1876, during a visit to the State Department. Knowing the great interest that you take in the increase of our commerce with these republics, as expressed in the circular dispatch of July, 1877, I will state in a brief manner my opinion in favor of such reciprocity.



Sugar is an article it may be said of necessity in the United States, which I believe consumes as much per capita if not more than any other country, and is just as important to the "poor man's breakfast" as tea or coffee; this was one of the arguments used for placing these articles on the free-entry list. If our population continues to increase *pro rata* as it has done these last twenty years, our Southern States, of which Louisiana is the greater producer, can supply but a moiety of the continually increasing demand, protecting a few to the detriment of many. Cuba and Porto Rico (monarchical colonies), supply two-thirds of the sugar consumed in the United States, produced by slave labor; the other supplying countries are all colonies of monarchical governments, and some from the Empire of Brazil.

Outside of the United States, Peru is the only republican country that supplies for exportation this very useful and greatly consumed article—a young republic struggling to open and receive commercial exchanges from her older sister, by free labor, in competition with the countries mentioned. There is not much foresight in saying that in a few years a great manufacturing interest will spring up in our States and Territories on the Pacific slope; also an ever-increasing population. Peru could supply plentifully sugar, alpaca, wool, and other articles of commerce, receiving wheat, barley, and the products of our manufactories.

This could be acquired by treaty. Peru would willingly admit our cereals free. Barley pays 3½ cents per kilogram; wheat 1 sole 80 cents per 62 kilograms.

The Peruvians say that there is a good precedent in asking for reciprocity in certain articles in the Sandwich Island treaty. Commerce is like the waters of a lake: once open an outlet, and the stream of itself will grow wider and deeper. Sugar will be an article of increasing importance in Peru. I refer to my dispatch on its product, No. 63, March 13, 1876; also its exportation, in No. 244 of April 26 last.

The President during our interview evinced great desire that the commercial interests of the two countries with each other should be increased.

I am, &c.,

RICHARD GIBBS.

No. 418.

*Mr. Gibbs to Mr. Evarts.*

No. 258.] LEGATION OF THE UNITED STATES OF AMERICA,  
*Lima, Peru, June 26, 1878. (Received July 15.)*

SIR: I have the honor to refer to my dispatch of May 27, No. 255, in which I mentioned the resignation of the cabinet. This act was repeated and accepted 18th instant, when a new ministry was formed by Señor Loayza, to whom the matter was intrusted, and consists of the following:

President of the council and minister of justice, Dr. Dn. José Jorge Loayza, a lawyer of great renown in the Peruvian courts, and who has held various high official positions, forming part of the cabinet of President Pezet in 1865, minister of foreign affairs during the presidency of Balta, and formed part of that administration at the time of the Gutierrez revolution in 1872, and is said to be a strong partisan of Pierola.

Dr. Dn. Manuel Irigoyen, minister of foreign affairs, was deputy in the Congress of 1860 that reformed the political constitution of 1856; has served his country abroad as minister to Belgium, and was minister

to Brazil and the Argentine Republic, from whence he has lately returned.

General Don Pedro Bustamante, minister of war and marine, was part of the first cabinet formed by the actual President, and resigned with his colleagues on account of the Huascar incident, June last. This is the third time that he has held the position of minister of war.

Dr. Dn. Manuel A. Barinaga, minister of the treasury, has occupied the position of first auditor of the treasury department for some time, also as professor of law in the university, and to-day is dean of the faculty of jurisprudence, but this is the first time that he has appeared in political life.

Dr. Dn. Fernando Palacios, minister of the interior, which includes religion, instruction, and police, is also a new man in politics, his occupation previously being for years a lawyer of ability and great legal acquirements.

The press, with the exception of the government paper and the church organ, *La Sociedad*, look unfavorably on the cabinet, and it is generally considered as being Pierolist and leaning toward ultramontaniam, but conceded by all parties to be composed of gentlemen of worth and intelligence.

I am, &c.,

RICHARD GIBBS.

---

No. 419.

*Mr. Gibbs to Mr. Evarts.*

No. 271.]

LEGATION OF THE UNITED STATES,  
*Lima, Peru, July 31, 1878. (Received August 21.)*

SIR: I have the honor to refer to my dispatch No. 258, of the 26th ultimo, and previous one, No. 255, of May 27, on political affairs.

Since then the preliminary meetings of Congress have been held for the examination of returns, and for qualifying the members supposed to be elected for the biennial session opened on the 28th instant.

The electoral boards commenced their labors on the 13th, and as suggested in dispatch No. 255, the opposition, or "civilists," qualified many of their partisans, and now have a considerable majority in both chambers, having elected as president of the senate, Ex-President Dn. Manuel Pardo, chief of the civilist party, now absent—a political exile, as the Department was informed in my dispatch No. 172 of January 20, 1877; but all members of either chamber enjoy immunities from arrest or molestation for a certain period anterior to, during, and after the session. Therefore Mr. Pardo is free to return.

On the 28th instant, day by law, the Congress was convened for the opening and the reception of the President's message. At the assembling of the chambers the minority made an attempt, by non-assistance and pretext of want of quorum, to impede the opening. According to the laws of the country, elections of deputies and senators are accompanied by "duals" or vice-deputies and senators, and in case of absence or death they represent their principals. The "duals" or vice-representatives were called in, and the Congress opened. The President read his message, and all passed off peaceably and quietly. After the delivery of the message, the Congress adjourned over until to-morrow, August 1.

The country is to be congratulated that the Congress has met and all having gone on so peaceably, as fears were entertained and freely ex-

pressed of trouble. The two leading papers of the opposition to the "civilists" (principally the church organ, *La Sociedad*), during the sitting of the preliminary Congress, were filled with invectives and incendiary articles, and a meeting of the defeated candidates was held demanding a plebiscite.

As these past three days are national holidays in honor of the anniversary of the independence of Peru, no papers are published, and therefore I have no idea of what course the "nationalists" will pursue; but from information acquired through conversation, it is said that the President has had some understanding with the leaders of the "civilists," and no trouble will be feared.

General Prado has the army under his control, and although small, it is very efficient, well armed and disciplined, besides the police force, a class of *gendarmes* under a military organization, and have no doubt that any attempt to disturb the order would have been promptly crushed. The leaders of the nationalists say that they have a majority of the country with them, say that the opening of Congress was an illegal act as the quorum of members were not present, and that the "duals" have no representation in such acts. I can impartially say that I believe the wealth, talent, and the greater part of the respectability of the country are in the civilists' ranks, and the principal opposition to them comes from the Pierolists, and more bitterly from the Ultramontanes.

I am, &c.,

RICHARD GIBBS.

---

No. 420.

*Mr. Gibbs to Mr. Evarts.*

No. 272.] LEGATION OF THE UNITED STATES OF AMERICA,  
*Lima, Peru, August 7, 1878. (Received September 4.)*

SIR: I regret to have to report in such a brief period of time since my last dispatch, No. 271, of 31st ultimo, a disturbance of the peace of this republic through political strife.

At Arequipa, on the 28th ultimo, the day of the opening of the Congress here, a meeting was called and a protest signed against its acts, which threw out the "Nationalist" candidate and seated a Civilist from there.

By examining the correspondence from this legation in the archives of the State Department it will be seen that Arequipa has often been the scene of revolutionary plots and strife, and is now considered the seat and chief point of the Pierolist party.

Telegraphic reports stated that the people were in favor of the President and government, but opposed to the Congress, and demanded a plebiscite. Many reports were in circulation, and on the 3d instant, in the afternoon, cable dispatches were received rather vague, stating that Colonel Suarez, prefect of Arequipa, had been proclaimed dictator.

The papers of this city gave full details on the 5th instant of what had taken place in Arequipa on the 28th ultimo. A meeting had been prepared by the authorities, and was composed mostly of the lower classes. Seditious cries were freely uttered of "Down with the Congress" and "Long live the provisional president, Suarez!" Otherwise, all passed off quietly.

Last evening's papers gave information that somewhat explained the

contradictory reports of the previous days, stating that a revolution had been carried through on Sunday, 4th instant. Suarez was at the head of it, and it had extended into the interior, taking in the department of Puno and down to the coast to the port of Mollendo. Suarez commands the railroad and telegraphic communications from Mollendo, through Arequipa, to Puno, over 300 miles. The revolutionists have taken charge of the cable telegraph office at the port, so now there is only dependence to be placed on the steamers that touch at Mollendo twice a week for information.

Colonel Suarez, the leader of this outbreak, is merely known in his military capacity, being an old personal friend of President Prado, and is prefect of the department of Arequipa. It is said that the movement is being made in favor of Pierola, who is now in Europe. This evening's papers state that Colonel Suarez has removed all military stores from Mollendo to Arequipa, and also the rolling stock of the railroad.

Yesterday and to-day Congress have held secret sessions, but up to the present writing I have not received any information of proceedings.

The government has issued a bulletin late this afternoon, in which it is said that Arequipa was quiet; that Suarez had to take the part he did to save the city from falling into the hands of the "Pierolists," but now all was in order. From private telegrams that I have seen this is to be doubted. It may be a stratagem for Suarez to recover himself from a false position.

I am, &c.,

RICHARD GIBBS.

No. 421.

*Mr. Gibbs to Mr. Evarts.*

No. 273.] LEGATION OF THE UNITED STATES OF AMERICA,  
Lima, Peru, August 14, 1878. (Received September 4.)

SIR: I beg to refer to my last dispatch, No. 272, on the political state of the country. All is quiet, and apparently will remain so. Meetings were called to take place on Sunday last, the 11th instant, to protest against the Congress and demand a plebiscite, but the government was prepared, and did not allow any gathering of parties.

It is evident to me that the excitement was initiated to show a demonstration in favor of Piérola, but owing to the attitude taken by the government it was a failure.

Some uneasiness remains, and the press that favor Piérolism is filled with rabid articles against the Civilists, but for the present all attempts to involve the country in civil commotion or strife I think will fail.

I am, sir, &c.,

RICHARD GIBBS.

No. 422.

*Mr. Gibbs to Mr. Evarts.*

No. 275.] LEGATION OF THE UNITED STATES OF AMERICA,  
Lima, Peru, August 20, 1878. (Received September 16.)

SIR: I beg to refer to my dispatch No. 239, of April 11 last, in reference to Chinese emigration. Information has been received that the English Government has issued strict orders that no emigrants will be

allowed to embark from Hong-Kong to Peru. It is also stated here that the influence of that government will prevent emigration from any part of China to this country. Telegrams have been received here stating that the *Perusia*, the steamer of the Olyphant line, had left Hong-Kong, as before, without emigrants, and had put into Yokohama in distress. This matter has caused some excitement here in the press, and it is acknowledged by all that if the restriction is not removed it will be a great injury to Peru.

I inclose an editorial article from *El Correo de Peru*, a daily paper of this capital; and a translation of it. The charges against the planters are terrible if true. In 1875, I visited two or three of the largest plantations, and as far as I could see or judge, the Chinamen were apparently contented.

I repeat what I have written in former dispatches: there are numbers of Chinese in this city and Callao, and they enjoy all the rights and immunities that other foreigners hold; shops and stores in every part, and increasing in numbers. On the plantations away from cities or towns it may be that the treatment said to have been given, in the above article, is true.

I have been assured by reliable persons that on many plantations over 50 per cent. of the Chinese laborers have recontracted after having finished their first term, and on terms advantageous to the laborers.

In my dispatches No. 107, of November 13, 1876, and No. 147, of May 11, 1877, I inclosed copies of the treaty between this country and China, and of the contract entered into with the house of Olyphant & Co., which I beg to refer to. According to these documents it was understood that immigration was to be free, the Chinamen to make their contracts here.

The press have discussed the affair freely, some writers accusing England of acting egotistically in the matter, but the opinion is that something may be done to overcome the obstacles placed by that government on free emigration to this country.

I inclose an article from the *South Pacific Times* of this date in relation to the affair.

If China had a representative here, either direct from Peking or through one of the foreign ministers, a great difference could be made in the status of the Chinaman, and charges of injustice or ill-treatment would be examined and inquired into.

I am, &c.,

RICHARD GIBBS.

---

[Inclosure 1 in No. 275.—Translation.]

*Chinese immigration.*

[From *El Correo de Peru*, Tuesday, August 13, 1878.]

The spirit of speculation to which the world owes so much in its progress has with us two indelible stains: the traffic of negroes in colonial times, and the yet more infamous traffic of the Chinese in the last 30 years. The negro and the Chinaman have sustained agriculture on this coast for nearly 200 years, notwithstanding the fate of one for a century and a half was slavery, and the other was, and is, worse than that. The negro, when torn from his country, nearly always passed from one state of slavery to another—from the savage life of Africa to the semi-civilized one of the colonies. The master—Spaniard or native—was a species of feudal lord, who looked upon the negro as a servant of himself and family; consequently he offered him protection and bound him to his lands and family, fed him well, made him a Christian, and gave him matrimony, and had an interest that he should increase and multiply. The descendants of the slave grew up with the sons of his master, took his name, and, although

they wore the chains of slavery, there was somebody to care for them; they lived; and the type of masters like the Count of Vista-Florida—a planter of Huaca—were not rare, who said to his overseer, "The day that my plantation produces more than \$1,000 a year I will discharge you, for I know what the work of my negroes should produce."

The Chinaman, when shipped aboard of one of those cursed vessels that brought him to Peru, lost liberty, country, family, the chance of being a man of love, and ceased to exist only to suffer and vegetate on our plantations; more degraded than the negro because he was more intelligent; more of a slave because he was not one man's slave, a feudal lord, but of money-seeking men who knew by virtue of the contract that at the end of eight years he would be free *if he could*; and we say *if he could*, because there are plantations where Chinamen have entered and have not yet left.

For 30 years, from 1846 to 1874, China has provided hands for our fields, and for 30 years these fields have been soaked daily with the blood of these unfortunates, who, hungry, half-naked, with torn flesh, and ulcerated hearts, might ask, is there a God? and for 30 years no one has heard their cries, with the exception of Mr. Manuel Pardo, who named, if we mistake not, in 1874, a commission to investigate if the monstrous crimes of certain planters were true. The commission did little and revealed less.

Outside of this humane intention the Chinaman up to the present has not had the least protection. The only protest of these unfortunates, who should have risen en masse, has been two or three outbreaks which has made their condition worse. There is nothing exaggerated in all we say. No drawing of the most somber colors could be sufficient to describe the condition of the Chinaman in Peru, and with the exception of the plantations of the Puente and of Mr. Urianne and two or three others it could be said that they are prisoners, compared with which the seat of the galley slave is a paradise.

The Chinaman is made to work from four in the morning until six in the evening, as it cannot be considered as rest the two hours from eleven till one of the day given them to prepare their food under the burning sun of our coast. They receive a ration of rice insufficient to restore their strength. They are paid one sol in paper per week when they are paid; they are discounted one real per day when sickness impedes them from work; they are whipped when not completing their task; they are chained when they seek liberty; they are killed, they are burned alive and dead. Exaggeration? Nothing of the kind. Aboard of the vessels the purchasers of the Chinese have marked their "cattle" with blue stone so that they would not get mixed, as they all looked alike. Was it the dead only that were burned? Let the town of San Pedro answer for us. And who are these executioners? They are the rich, industrious planters whom the government has respected as useful men, producers and workmen, gentlemen who wear gloves, who in the city are agitated if it is asked to kill mad dogs, and who on their plantations lash open the flesh of an unfortunate while they smoke their cigarettes. And for what? Because he would or could not work more than his strength permitted.

As there is no iniquity that is everlasting nor crimes that do not cover distances, the iniquities committed with the Chinaman has awakened the indignation of the world, and England, who, if she is mercantile and speculative, is philanthropic and just, after destroying the African slave-trade, stops that of the Chinese, and now the home office, Count Carnarvon, has given this order to Governor Hennessy of Hong-Kong: "Concede no license for emigration to Peru." A just resolution, which is a reproach to anterior governments and a punishment of our faults toward the Chinaman, who, until lately, accused us daily under the garb of mendicancy.

This measure which impedes Asiatic emigration will give trouble to our agriculturists, increasing the price of products, reducing return shipments, in a word will do great damage to the country; withal we deserve it.

What will result from it? A change in the system of the treatment of the laborer, and also in cultivation, for if things remain as they are the land cannot be held in few hands; it will have to be divided and subdivided among small proprietors, colonists, and tenants who will cultivate with their families, which will be an economical and social progress, because these small farmers, these colonists, these tenants will increase the production and will be interested in the peace and stability of the government.

[Inclosure 2 in No. 275.]

#### *Chinese immigration.*

[From the South Pacific Times, Tuesday, August 20, 1878.]

We learn that Messrs. Olyphant & Co.'s steamship *Perusia*, announced by us last week as having left China, may shortly be expected here from the Japanese port of Yokohama, into which she had to put in distress. We regret, however, that she has no emigrants on board, as it was expected she would have, owing to certain local in-

fluence brought to bear in the matter; but we have reason to hope that these objections, whatever they may be, will shortly be overcome through the exertions of Dr. Elmore, the Peruvian envoy.

The present check to the expected immigration of free Chinese laborers, although very unfortunate for Peru, does not by any means warrant the views expressed by some of our Lima contemporaries, that such immigration is impossible. It is necessary to concede that owing to the former ill treatment of Chinese laborers, Peru has much evil prestige to conquer in Asia; and this was clearly the reason why no emigrants were allowed to leave Hong-Kong, the port first tried. A second trial at a Chinese port, Canton, appears to have been unsuccessful through adverse influences which were, as far as it appears, of a local, and, therefore, it is to be presumed, of a temporary nature.

Appeal to the central government of China is now being made through the duly accredited Peruvian minister at Peking, and it would seem a simple thing to decide whether the Chinese government will maintain the solemn treaty entered into with Peru or whether this important instrument will be set aside. The plea that Chinese have been maltreated in Peru is only valid so far as it affects the *coolie* system; free immigration has not been tried, and it is unjust to this country to judge the issue before it arises, unfair to assume that laborers coming here under protection of special treaty will be treated as were those who were brought from their homes in defiance of law and of humanity. The question touches too vitally Peru's agricultural future to be set aside until all honest means have been exhausted, and those now being proved, the demands for enforcement of the treaty permitting free emigration, may, and we trust will, remove the only present existing obstacle to such a volume of immigration as will vastly aid the resources of this country.

We shall, when the times arrives, express our views on the subject of how simple and efficient safeguards may be provided against any malicious abuse of these laborers.

## PORTUGAL.

No. 423.

*Mr. Moran to Mr. Erarts.*

No. 174.]

LEGATION OF THE UNITED STATES,  
*Lisbon, December 11, 1877. (Received December 31.)*

SIR: Referring to your circular of the 23d of May, giving instructions in regard to attentions to be paid to General Grant, should he come to Portugal, and to my No. 159, dated 13th July last, I have to report that in an interview with the Marquez d'Avila e de Bolama, on the 5th instant, he inquired, with great interest, if General Grant would visit Lisbon. Upon my informing him that it now seemed doubtful, the marquis expressed the great regret and disappointment such a determination would cause His Most Faithful Majesty's Government, who feel the greatest gratitude toward Ex-President Grant for his just decision in the affair of the island of Bolama. He said, also, that to himself personally this failure to visit Lisbon would be a great disappointment, for to General Grant alone he owed the honor of his second title. In conclusion, he requested me to convey to General Grant the assurance that "if he should be enabled ultimately to visit Portugal, he would find the government entirely at his disposition." This message I have sent to the Ex-President, through General Badeau, in London.

If General Grant should finally decide to visit Portugal I am sure that he will be received with enthusiasm, and be entertained hospitably by all persons from the Sovereign down. As the Marquez d'Avila was so earnest in his manner when communicating this sentiment to me on the part of the government, I have thought it proper to report the interview for the information of the Department.

I have, &c.,

BENJAMIN MORAN.

No. 424.

*Mr. Moran to Mr. Ecarts.*

No. 176.]

LEGATION OF THE UNITED STATES,  
*Lisbon, December 22, 1877. (Received Jan. 11, 1878.)*

SIR: Referring to your No. 94 and to my No. 156, I have now the honor to forward copies of a further correspondence which I have recently had with the Marquez d'Avila and Mr. Terry on the selection of a new site for the American naval cemetery at the island of St. Vincent.

It will be seen by the Portaria of the 3d of December that the King has given the necessary orders for the setting apart of the new cemetery, and the transfer to it of the remains now deposited in the old cemetery. I have instructed Mr. Terry to co-operate with the governor-general of the province of Cape Verde in effecting the needful change; and I am encouraged by the prompt action of the Marquez d'Avila in the case now to hope for the early and satisfactory settlement of this vexed question. But I shall inform myself from time to time of the progress made in carrying out the new order, and should any unnecessary delay attend the execution of it, I will take such steps to remove such delay as I may deem advisable under the circumstances.

I have, &amp;c.,

BENJAMIN MORAN.

[Inclosure 1 in No. 176.]

*Mr. Moran to the Marquez d'Avila.*LEGATION OF THE UNITED STATES,  
*Lisbon, November 19, 1877.*

MONSIEUR LE MINISTRE: Before replying to your excellency's letter of the 18th of June, ultimo, with reference to your proposal for the final settlement of the question of the American cemetery at St. Vincent, Cape Verde, I submitted that proposal to my government and asked for definite instructions in reply thereto. These I have now received and hasten to acquaint you with their contents.

Your excellency states that the governor-general of Cape Verde has no hesitation in granting such land as the American Government desires for this purpose, in another situation and with due regard to public and private interests; that in the decent removal of the mortal remains existing in the original cemetery, the Consul shall be kept cognizant; and that the government of His Majesty will not fail to repeat the orders of the 3d of June, 1873, so soon as the wishes of the United States Government are known, viz, that a new American cemetery be marked out in consideration of the inconvenience of restoring the present cemetery.

I am desired, in reply, to express the gratification of my government on learning the good intentions of your excellency in the matter, and to say that they fully appreciate the reasons for which it is proposed to form a new cemetery, in preference to restoring the old one in accordance with Mr. Corvo's promise. I am authorized to accept this proposal of your excellency, and to instruct the consul of the United States to co-operate with the local authorities, both in the selection of the site and in the transfer of the remains.

My government would, however, especially suggest that the new cemetery should be located entirely by itself, and not in contact with or near any other cemetery. They would also express a desire that the new location be selected and the transfer of the remains be carried out as soon as possible.

I avail myself, &amp;c.,

BENJAMIN MORAN.

[Inclosure 2 in No. 176.—Translation.]

*The Marquez d'Avila to Mr. Moran.*MINISTRY OF FOREIGN AFFAIRS,  
POLITICAL DEPARTMENT,  
*December 17, 1877.*

In reply to the note which your excellency was pleased to address to me on the 19th of November last, I have the honor to place in your hands, for your own information and



that of your government, the inclosed copy of a royal order of the 3d instant, forwarded by the minister of marine and colonies to the governor-general of the province of Cape Verde, by which it is decreed that there be set apart in a fitting situation the ground required for the new cemetery of American citizens in the island of Saint Vincent, in conformity with the terms of the said order.

I avail myself, &c.,

MARQUEZ D'AVILA E DE BOLAMA.

[Inclosure 3 in No. 176.—Translation.]

*Portaria respecting the cemetery.*

OFFICE OF THE SECRETARY OF STATE  
FOR THE MARINE AND COLONIES,  
December 3, 1877.

The chargé d'affaires of the United States of America at this court having pressed for a settlement of the question concerning a cemetery for citizens of his nation in the island of Saint Vincent de Cape Verde, and information being given by an official letter from the ministry of foreign affairs, of the 20th of November last, that the said diplomatist accepts, by order of his government, the offer made to him of the concession of another site for the construction of a new cemetery, instead of the restoration of the old—

His Majesty the King thinks fit to decree, with reference to the order issued from this ministry on the 3d July, 1873, that there be set apart, in an appropriate place for a new cemetery for American citizens, in the said island of Saint Vincent, the requisite site, saving public and private interests; every proceeding in all this matter being done in accord with the respective consul of the United States and with the local authorities; and that, with the least possible delay, there be carried out the removal to the said cemetery of the bones found in the old cemetery; all due formalities being observed in this matter.

All of which His said august Majesty orders to be communicated, through the ministry of marine and colonies, to the governor-general of the province of Cape Verde for due action therein.

Palace, December 3, 1877.

JOSÉ DE MELLO GOUVEIA.

Countersigned:

FRANCISCO J. DA C. SILVA.

Countersigned: Secretary of State for Foreign Affairs, December 17, 1877,  
EMILIO ACHILLE MONTEVERDE.

[Inclosure 4 in No. 176.]

*Mr. Moran to the Marquez d'Avila.*

LEGATION OF THE UNITED STATES,  
Lisbon, December 21, 1877.

MONSIEUR LE MINISTRE: I have the honor to acknowledge the receipt of the note which your excellency addressed to me on the 17th instant, inclosing for my information and that of my government, a copy of a royal order of the 3d instant, forwarded by the minister of marine to the governor-general of the province to Cape Verde, by which it is decreed that there be set apart, in a fitting situation, the ground required for a new cemetery of American citizens in the island of Saint Vincent, and the transfer thereof of the remains contained in the old cemetery.

I shall at once communicate a copy of this order to Mr. Terry, the United States consul at Santiago, and instruct him to co-operate with the governor-general of Cape Verde in carrying out its requirements; and I shall also forward copies of your excellency's note, and of the portaria in question, to my government, which is very anxious that the cemetery may be established as early as possible.

I avail myself, &c.,

BENJAMIN MORAN

[Inclosure 5 in No. 176.]

*Mr. Moran to Mr. Terry.*

LEGATION OF THE UNITED STATES,  
Lisbon, November 19, 1877.

SIR: I have now the honor to inform you that his excellency the Marquez d'Avila e de Bolama addressed a note to me on the 18th of June last, in reference to the new cemetery at Porto Grande.

His excellency informs me that the Governor-general of Cape Verde will readily grant such land as the United States Government may require for a cemetery in another situation than the present, so that it be without prejudice to public or private interests; and that in the selection of the site and in the removal of the mortal remains from the original cemetery nothing shall be done without your cognizance.

The marquez proposes this as preferable to the restoration of the original cemetery as offered by Mr. Corvo.

The United States Government assents to the marquez's reasons, and accepts this offer, but adds that it is desirable that the site selected should be separate from, and at a distance from, any other cemetery. This proviso I have mentioned to the marquez, and before I receive his reply I think it right to inform you of what is passing, that you may sound the local authorities on the matter, should occasion arise, and perhaps be able to suggest such a site as may be agreeable with the views of our government, and may be granted by the Governor-general.

You will, however, take no decisive action until you again hear from me.

I have, &c.,

BENJAMIN MORAN.

[Inclosure 6 in No. 176.]

*Mr. Moran to Mr. Terry.*

LEGATION OF THE UNITED STATES,  
*Lisbon, December 21, 1877.*

SIR: Referring to my note of the 19th November ultimo, I have now the honor to forward herewith a copy of a royal portaria, dated the 3d and 17th instant, by which it will be seen that the governor-general of the Cape Verde Islands has been finally instructed to provide a new American cemetery at Porto Grande, Saint Vincent. You will please consult with his excellency as to the selection of a new site, removal of the remains, and restoration of monuments as far as possible, and inform me from time to time what progress has been made in carrying out the instructions of His Most Faithful Majesty's Government in the case.

You will also take such steps as you may deem necessary to effect the early completion of the new cemetery and the transfer of the remains, bearing in mind my former instructions that it should be separate and at a distance from any other cemetery.

I have, &c.,

BENJAMIN MORAN.

No. 425.

*Mr. Moran to Mr. Evarts.*

No. 178.]

LEGATION OF THE UNITED STATES,  
*Lisbon, January 3, 1878. (Received January 26.)*

SIR: I have the honor to report that the last annual session of the present Cortes was opened yesterday by the King in person, and I inclose herewith a printed copy of the speech delivered then by His Majesty to both houses, together with a translation of the same.

This speech gives a brief statement of the present condition of the kingdom, and recommends certain legislation for the better development of trade. The construction of an artificial harbor near Oporto, where the Douro is becoming unnavigable for large vessels owing to an accumulation of sand on the entrance bar, and of more roads in the interior of the country, are the chief measures submitted for the consideration of the Cortes. The necessity for prompt action in regard to Oporto is acknowledged on all hands, and unless something be soon done, either to restore the navigation of the Lower Douro or create an artificial harbor near Oporto, the trade of that place will sink into comparative insignificance.

The financial situation of the country is not encouraging; the total obligations, including the floating debt of £6,000,000, is nearly £90,000,000.

The amount set aside for the payment of interest is £2,700,000, or about 45 per cent. of the present revenue of £5,600,000; and the government expenditure averages £3,100,000 per annum.

I have, &c.,

BENJAMIN MORAN.

[Inclosure 1 in No. 178.—Translation.]

*The King's speech, January 2, 1878.*

*Honored peers of the realm and gentlemen deputies of the Portuguese nation :*

In discharge of one of the most pleasing duties of a constitutional King, I am about to inaugurate to-day the labors of the ensuing annual session of the legislature.

I have the greatest satisfaction in announcing to you that our friendly relations with foreign powers remain unchanged.

The conflict existing between two great nations, which please God may not be far from its conclusion, fortunately does not threaten to compromise our interests, nor to disturb that lengthened peace we have enjoyed.

In the year just ended I have received a visit from His Majesty the Emperor of the Brazils, my beloved uncle. This event, while very agreeable to me and all the royal family, has once again been made an occasion of emphatic demonstrations of respect of the Portuguese people toward the illustrious monarch who presides over the destinies of a great nation, to which close bonds of blood unite us, and from which a great number of our compatriots receive fraternal hospitality.

In the interior of the kingdom and in the ultramarine provinces tranquillity has continued to be maintained, and under its salutary influence the action of the political system has been undisturbed, and the development of all the national interests, progressive.

In November last the election of the municipal chambers which have to regulate the districts for the two ensuing years, were held in the kingdom and adjacent islands. These passed off with regularity, and, excepting some excitement at places where the dispute was warmer, it can be affirmed the people exercised their electoral rights freely and without molestation.

The state of the public revenue has continued to require the most serious attention of my government, which has employed every means to improve the condition of the treasury, the state of which you will be able to duly estimate by the explanations which will be laid before you by the finance department, together with the estimate of the receipts and expenses of the state for the coming financial year.

Employing the means voted in the last legislative session for the extinction of the floating debt, the government realized a large part of the loan destined to that end: the portion not yet realized will be issued when circumstances permit of so doing to the advantage of the treasury.

The financial situation of the country, somewhat disturbed by the bank crisis of 1875, is in the way of recovering from that convulsion, and allows us to hope it will soon resume its normal activity.

There is a continued impulse felt in the improvements begun in the ultramarine provinces. The development of the great wealth which our vast dominions in those regions offer cannot fail at this epoch to form an important chapter in the programme of all administrations, and the eminent men of this country who form scientific associations intended chiefly for the study of colonial matters, are affording by such designs patriotic co-operation with the public authorities.

The transition from slave to free labor has taken place, owing to the vigilance of the public authorities, without those lamentable conflicts and disorders which in other countries have signalized this great conquest of Christianity and philosophy.

There are now in those regions four scientific expenditures of public works, organized in the kingdom and destined for Mozambique, Angola, Cape Verde, and St. Thomas. You will have, on a fitting occasion, information of these works so as to enable you to make due provision for their continuance, to the great importance of those provinces.

An account will be given you, by the minister of marine and the colonies, of measures taken of a legislative character which have been adopted during the legislative recess for the regulation of those possessions.

The particular attention of my government has also been directed to improvements undertaken by the department of public works, especially those which have for object the development of ordinary and more rapid locomotion.

A circumstantial report will be presented to you, by the ministry of public works, of the works executed since the formation of that department up to the 30th June last. From this report you will see that the sums received into the treasury resulting from

mans contracted within the last twenty-five years have all been employed in improvements which augment the wealth and develop the prosperity of the country.

From the estimate which you will make of this document, and from the suggestions of your enlightened experience, you will assuredly conclude that little now remains to be done before that the improvements realized shall produce such a financial and economical result as the nation has a right to expect as the just reward of its sacrifices.

The increased development of ordinary internal communication can no longer be delayed, especially in the provinces, to which the railroad has brought elements of prosperity which will fail in fruitfulness unless fed by the cheap conveyance of produce which accumulates and deteriorates at the places of its growth.

On the 4th of November last the bridge over the Douro was inaugurated and with it the fifth section of the north and east railway. This ceremony, over which I had the pleasure to preside, was greeted by the country with the most lively enthusiasm, both on account of the high artistic merit of the enterprise as for the advantages resulting therefrom in facilitating and cheapening communication.

With the purpose of placing the postal service in harmony with the requirements of commerce, the government has decreed important reforms in this department, acting therein in conformity with the law of February 10, 1876, an account of which will be given you in a separate report.

Improvements, the object of which you will appreciate, have been initiated at the district farm at Centra by the introduction of steam cultivation, which will give that industrial establishment practically and theoretically the means of advantageously contributing toward transforming the national system of cultivation.

A scarcity of food in the Azores compelled the government, during the year just ended, not only to furnish cereals to feed the necessities of the people, but also to decree extraordinary measures for the free entry of such provisions.

On the last day of the last year, a general census of the population was undertaken, and from this work, which it is hoped will present a favorable report in comparison with the preceding one, the result will be laid before you, so soon as the scrutiny is completed.

In the last legislative session there awaited your deliberation several projects of laws on matters of high importance. It is expected, from your enlightenment, that you will persevere in your examination of them, and my government will so co-operate with you that all the advantage the good of the state requires may result from the measures proposed. Among them must deserve your particular attention that which aims at reforms in elementary instruction, a subject which is incessantly recommended to the care of those who have in charge the promotion of the moral and intellectual development of the nation.

Other proposals of laws will be laid before you by my government, all of which tend to satisfy the pressing necessities of the public service. Among those deserves special mention that which aims at perfecting our election laws by the better arrangement of districts, by enlarging the electoral franchise, extending to a great number of citizens the right of voting, to whom, in the face of the fundamental laws of the state, it cannot be refused.

Among the remaining propositions, and on a par with the general estimate of receipts and expenditures, those unquestionably take precedence which aim at perfecting the laws of taxation by rendering the sources of receipt as productive as possible, so that the indispensable equilibrium between the two may be obtained.

Those measures are not without importance which aim at completing the links of the railway south of the Tagus, not only to utilize the capital at present spent unprofitably between Faro and Cazevel, but also to unite at the most fitting point the Alembejo and Algarve with the railways of the rest of Europe, and the south directly with the north of the kingdom, also to enable the government to push on to a conclusion the railways of the Minho and the Douro, and, on their being completed, to construct the Beira Alta railway, a work of the greatest importance for the development of the wealth of that fertile region.

Measures will also be laid before you for the improvement of the telegraphic service, which doubtless will receive a favorable reception, considering how much there is needed for the perfection of that branch of the service so as to place it on a level with the requirements of the times.

Lastly, I call your attention to a proposal which aims at meeting the urgent necessities of the population of the north of the kingdom, viz, for an artificial port giving free access and safe shelter to ships of whatever tonnage. This improvement, long needed, will assuredly receive an important impulse from your devotion to national interests. And, time permitting, my government reckons on being able to present also to you in this legislative session a proposal for the organization of secondary instruction, in which those difficult and varied problems included in this important branch of public administration will have their solution.

Worthy peers of the realm and deputies of the Portuguese nation, once more I desire to express the conviction which I feel that Divine Providence will continue to inspire

you, so that in the examination of all matters brought under your deliberations you may give fresh proofs of your worth and your patriotism, and that you may use every effort to draw the greatest profit from the valuable resources of the country, so that by placing the finances of the state on a firm footing those improvements will follow at which we are yet aiming and the realization of which must place us on a level with the most advanced of nations.

The session is opened.

---

No. 426.

*Mr. Moran to Mr. Evarts.*

No. 184.]

LEGATION OF THE UNITED STATES,  
*Lisbon, February 1, 1878. (Received February 21.)*

SIR: On Saturday last the ministry of the Marquez d'Avila met with a large adverse vote in the Cortes, and on Monday the King sent for Señor Foutes Pereira de Mello to form a new government.

This change had long been expected, and the return of Señor Foutes to office surprised no one.

\* \* \* \* \*

Señor Corvo, who for several years held this post under the former leadership of Señor Foutes, notified me on the 30th instant that he had been recalled to the place of secretary of state for foreign affairs by the King; and that is the only official notice I have received touching the change of ministry. I inclose a copy and translation of this communication, which is merely a formal circular, together with my acknowledgment thereof.

The new cabinet, with the exception of the ministers of justice and marine, consists of the same gentlemen who constituted the Foutes ministry on its retirement from office in March, 1877, and is as follows:

President of the council and minister of war, Señor Antonio Maria Foutes Pereira de Mello.

Minister of foreign affairs, Señor Joao de Andrade Corvo.

Minister of finance, Señor Antonio de Supa de Pimentel.

Minister of the interior, Señor Antonio Rodriguez Sampaio.

Minister of public works, commerce, and industry, Señor Lorenzo Carvalho.

Minister of the marine and the colonies, Señor Thomas Antonio Ribeiro.

Minister of justice and ecclesiastical affairs, Señor Augusto Cesar Barjona de Freitas.

I have, &c.,

BENJAMIN MORAN.

---

[Inclosure 1 in No. 184.—Translation.]

*Señor Corvo to Mr. Moran.*

MINISTRY OF FOREIGN AFFAIRS,  
POLITICAL DIVISION,  
*January 30, 1878.*

His Majesty the King having seen fit to relieve Señor the Marquez d'Avila e de Bolama from the presidency of the council of ministers and of the post of minister and secretary of state for foreign affairs *ad interim*, has been pleased to nominate me by decree dated yesterday minister and secretary of state for this department, of which I have the honor to inform your excellency, and to communicate the fact that the reception of the gentlemen of the diplomatic body will continue to be on Wednesday of each week from twelve till two, when not a holiday; in such cases on the day previous.

At the same time I have the honor to add, if your excellency should have at any time important business with me, I will receive your excellency upon any day upon your giving me previous notice.

I avail myself, &c.,

JOÃO DE ANDRADE CORVO,  
*Secretary of State of Foreign Affairs.*

---

[Inclosure 2 in No. 184.]

*Mr. Moran to Señor Corvo.*

LEGATION OF THE UNITED STATES,  
*Lisbon, February 1, 1878.*

MONSIEUR LE MINISTRE: I had the honor to receive yesterday the note which your excellency addressed to me on the 30th ultimo, announcing that His Majesty the King, having seen fit to relieve Señor the Marquez d'Avila e de Bolama from the presidency of the council of ministers and from the post of minister and secretary of state for foreign affairs *ad interim*, had seen fit to renominate your excellency by decree dated the 29th ultimo, minister and secretary of state for foreign affairs; and adding that the reception of the gentlemen of the diplomatic body will continue to be as heretofore on Wednesday of each week from twelve till two when not a fête or holiday, but that if I should at any time have any important business with your excellency you will receive me on any day upon my giving you previous notice.

I have to thank you for this information, and although I have no important business to lay before your excellency now, I will avail myself of an early opportunity to call and pay my respects and renew an official and personal intercourse which was very agreeable to me.

I seize this occasion, &c.,

BENJAMIN MORAN.

---

No. 427.

*Mr. Moran to Mr. Evarts.*

No. 185.]

LEGATION OF THE UNITED STATES,  
*Lisbon, February 5, 1878. (Received February 25.)*

SIR: Referring to my No. 177, of the 27th of December last, I have the honor to inform you that Lieut. Commander F. M. Green reported to me on the 2d instant that he had satisfactorily completed the work of measuring the difference of longitude between this point and Madeira, and desired me to express to the Portuguese Government, and especially to the officers of the Royal Observatory, his appreciation of the very courteous manner in which he has been aided in every possible way in his work at this place. This I did on the 4th instant, and I now forward copies of Captain Green's note to me, in which he made this request, and of my note to Mr. Corvo, based thereon.

No pains were spared by the Portuguese authorities to lessen the labors of Captain Green and his officers, and he states that the success of his work is due in a great measure to this fact.

The Guard sailed from Lisbon for Madeira on Sunday the 3d instant, at about 1 p. m., and after a few days' stay there will proceed as speedily as possible to St. Vincent, Cape Verdes, where Captain Green and his officers will begin the work of measuring the difference of longitude between that place and some given point on the northeastern coast of South America.

I have, &c.,

BENJAMIN MORAN.

[Inclosure 1 in No. 185.]

*Lieut. Commander Green to Mr. Moran.*

UNITED STATES SHIP "GUARD,"

*Lisbon, Portugal, February 2, 1878.*

SIR: The work of measuring the difference of longitude between this point and Madeira being completed, I desire to express my grateful appreciation of the assistance received from you, and of the very courteous and friendly manner in which the authorities of the Portuguese Government, especially the officers of the Royal Observatory, have aided us in every possible way. No pains have been spared by them to lessen our labors, and the success of our work is, in a very great measure, due to their kind offices.

I have requested the honorable Secretary of the Navy to express his thanks to them in a formal manner.

Very respectfully, &c.,

F. M. GREEN,

*Lieutenant-Commander, Commanding.*

[Inclosure 2 in No. 185.]

*Mr. Moran to Mr. João de Andrade Corro.*

LEGATION OF THE UNITED STATES,

*Lisbon, February 4, 1878.*

MONSIEUR LE MINISTRE: Referring to my correspondence with your excellency and the Marquez d'Avila on the determination by United States naval officers of the longitude of both coasts of South America from Paris, I have the pleasure to inform you, on the authority of Captain Green of the United States ship "Guard," that the work of measuring the difference of longitude between Lisbon and Madeira is completed. Captain Green sailed yesterday with the "Guard" for Madeira and the island of St. Vincent, where he will resume his work of observation.

Before leaving, he desired me to express to your excellency his grateful appreciation of the very courteous and friendly manner in which the authorities of His Most Faithful Majesty's Government, especially the officers of the Royal Observatory, aided him and his officers in every possible way. No pains were spared by them to lessen his labors, and he assures me that the success of his work is in a great measure due to their kind offices.

I have particular pleasure in conveying to your excellency this acknowledgment of Captain Green's appreciation of the assistance he received, and beg to express the hope that the gentlemen referred to may be made acquainted with Captain Green's recognition of their useful services.

Captain Green has reported to the honorable Secretary of the Navy his sense of the obligation he is under to His Majesty's Government for the courteous assistance rendered to him while in Lisbon, and in due time I hope to receive instructions from that high officer to express to you his formal thanks for the aid which has been so promptly and effectually afforded to Captain Green.

I avail myself of this occasion to renew, &c., &c.,

BENJAMIN MORAN.

No. 428.

*Mr. Moran to Mr. Evarts.*

No. 198.]

LEGATION OF THE UNITED STATES,

*Lisbon, May 6, 1878. (Received May 27.)*

SIR: The Cortes terminated its sittings on the 4th instant, the session having been extended for public reasons for about a month longer than usual. There was no legislation of interest to foreign nations, and the chief measures of national importance were acts for the extension of the franchise, and for the construction of the Beira Alta Railway. It is believed that this desirable undertaking will now be prosecuted with energy.

and that by its completion Lisbon and Paris will be brought within 48 hours of each other, a consummation which must prove highly beneficial to Portugal.

As this session of the Cortes terminates the period of four years for which the members of the second house were chosen, a fresh selection of deputies will take place during the summer.

The country is tolerably prosperous in the matter of trade and natural productions, and the recent rains have been beneficial to agriculture, except in the Algarve, where they came too late to save crops from the effects of the drought. But it is understood that the government will exert itself to relieve any widespread distress that may appear in that district.

The national finances are not in a satisfactory state. The budget for 1878-'79 presents a deficiency of more than 2,900,000 milreis, or a sum more than equal to \$3,000,000 United States gold currency. And as deficiencies of this nature are of annual occurrence, and have been for more than thirty years, many patriotic people are alarmed about the future, and are devising new schemes of taxation which will, it is hoped, provide sufficient revenue for the expenses of the government, and make future financial deficiencies impossible.

I have, &c.,

BENJAMIN MORAN.

No. 429.

*Mr. Moran to Mr. Evarts.*

No. 213.]

UNITED STATES LEGATION,  
*Lisbon, October 16, 1878. (Received November 2.)*

SIR: For some time past political matters have been very quiet in Portugal, nothing having occurred during the summer that would be interesting to foreign nations; but on Sunday, the 13th instant, the election of members of the second chamber of the Cortes took place throughout the kingdom, in accordance with the provisions of the constitutional charter. The proceedings were everywhere conducted with the greatest order, and resulted in the return of a large majority of deputies favorably disposed to the existing, or Fontes, ministry, although the opposition triumphed in one or two of the largest towns, including Oporto. But no significance is attached to these successes. The overwhelming majority of the government remains practically unchanged. The annual session of the Cortes lasts three months, and the election for deputies takes place every four years, unless in the case of a dissolution, when a new Parliament must be called together immediately.

The last election took place in 1874.

I have, &c.,

BENJAMIN MORAN.

No. 430.

*Mr. Moran to Mr. Evarts.*

No. 215.]

LEGATION OF THE UNITED STATES,  
*Lisbon, November 5, 1878. (Received November 23.)*

SIR: Referring to your circular of the 23d of May, 1877, I now have the honor to report that, having been informed that General Grant would



visit Lisbon in the latter part of October, I communicated the fact unofficially to this government, as requested by the Duke d'Avila e de Bolama, and reported to you in my No. 174, of the 11th of December, 1877. and on the 15th of the month Mr. Corvo called upon me in person and announced that the King had given instructions that every arrangement should be made for the reception and comfort of General Grant during his stay in Portugal. Accordingly an attaché of the foreign office, the Señor da Cunha Sotto Maior, was detailed to attend upon him as the representative of that branch of the government, and directed to proceed with a special saloon-carriage to Badajoz, in Spain, there to welcome him to Portugal in the name of the King, and place the carriage at his disposal, while the Visconde de Pernes, a distinguished military officer, was named by the minister of war to receive him at the railway station, and remain in attendance upon him, with Señor da Cunha, during his sojourn in Lisbon.

General Grant arrived in this city, accompanied by Mrs. Grant, Mr. John Russell Young, and Señor da Cunha, at an early hour on Sunday, the 27th ultimo, and was cordially received at the station by the American and Portuguese officials. Mr. Corvo paid him an official visit on the 28th, and on the 29th he and Mrs. Grant were presented to the King and Queen and other members of the royal family, by whom they were more than cordially received. Indeed, General Grant describes this reception as characterized by exceptional personal warmth and as peculiarly agreeable to him. On the 31st he and his suite attended the opera, by royal invitation, in honor of the King's birthday, and on the 1st instant they dined in state with the King and royal family at the Palace of the Ajuda.

Marked respect was paid to General Grant by the public wherever he was recognized, and his visit to Portugal may be truthfully described as gratifying to himself and his compatriots in Lisbon. He authorized me to express to Mr. Corvo his appreciation of the kindness that had been shown him by the King and government, and I accordingly addressed a note to that effect to that gentleman yesterday, and now inclose a copy thereof for the information of the President and yourself.

I may add that this visit of General Grant has afforded much pleasure to Mr. Diman, the consul, and myself, and that we have been gratified in having had it in our power to contribute to his comfort and enjoyment while here.

The general and suite left for Cordova, in Spain, on Saturday evening, the third instant, in a saloon-car furnished by the government, accompanied by Señor da Cunha; and Señor Fontes, the prime minister, myself, and Mr. Diman were present at his departure.

I have, &c.,

BENJAMIN MORAN.

---

[Inclosure in No. 215.]

*Mr. Moran to Mr. Corvo.*

LEGATION OF THE UNITED STATES,  
*Lisbon, November 4, 1878.*

SIR: I have great pleasure in informing your excellency that I have been authorized by General Grant, Ex-President of the United States, to express through you to His Most Faithful Majesty his high sense of the more than cordial reception accorded to him by His Majesty and the royal family, and the members of His Majesty's Government, on his recent visit to Portugal.

General Grant is deeply impressed with the great kindness shown him, and regards his visit as having been characterized by marks of personal friendship which he can never forget.

Where so many officers of the government exerted themselves to make his visit agreeable it would be difficult to name all. But he desires to recognize specially the attention he received from Señor Fontes, president of the council, and your excellency; and he also wishes to make his acknowledgments to Señor Cunha do Sotto Maior and the Visconde de Pernes, for their great courtesy and intelligent attention.

In conclusion, I beg to add the expression of my cordial thanks to His Majesty and His Majesty's Government for the distinguished honor they have shown my illustrious countryman—an honor which I am sure will be gratifying to my government and to the American people, and tend to cement the cordial friendship which so happily subsists between the United States and Portugal.

With assurances, &c.,

BENJAMIN MORAN.

## RUSSIA.

No. 431.

*Mr. Boker to Mr. Evarts.*

No. 224.]

LEGATION OF THE UNITED STATES,  
*St. Petersburg, October 12, 1877. (Received October 29.)*

SIR: I have the honor to forward to you herewith a communication addressed to me by two American merchants residing at St. Petersburg, complaining of differential duties exacted against citizens of the United States upon the three articles of tools, sugars, and wine, and stating that in their belief this is contrary to the stipulations of the treaty of 1832.

You will observe that this differential duty is indirect, the Russian Government taxing certain articles imported by land less than those imported by sea.

I have had some conversation with the British ambassador upon this subject, and he tells me that the question was submitted to the law officers of the Crown, and that they advised Her Majesty's Government that this differential duty was not one of which they could complain as contrary to their treaty stipulations.

I have also spoken to Mr. de Rutenberg, the able minister of finance, informally upon the subject, and have received from him a communication, of which I send you a copy and a translation. You will perceive that as regards sugars there is now no cause for complaint. As regards tools and wines, he takes the ground that there is no discrimination against any one nation, as all nations can send by land if so disposed.

I am further informed, unofficially, that, as regards tools, this discrimination is simply a matter of protection to Russian manufactures, the manufacturers of Toulou fearing the competition of American, English, and French tools, but having no fear of those produced in Germany and Austria.

I have the honor, also, to send you a copy of the Russian tariff translated into English. It is possible that the Treasury may not have a copy, and that it may be of service to the Secretary. It is recommended to me as a model of clear arrangement and classification.

I have the honor, &c.,

GEO. H. BOKER.

[Inclosure 1 in No. 224.]

*Complaint of American merchants of differential import duties in the Russian tariff.*

The Hon. GEO. H. BOKER,  
*Minister of the United States of America at St. Petersburg, Russia:*

SIR: The undersigned, American merchants at St. Petersburg, beg leave to call your attention to the existence of differential import duties in the Russian tariff, as follows:

Duties on hardware.

Duties on wines and spirits.

Duties on sugars.

First. The duties on tools, as specified in paragraph 173 of the "Tariff of import duties," is levied at the rate of 50 copecks per pood on articles imported by land, while on those imported by sea they are at the rate of 80 copecks per pood.

Second. The duties on wine and other drinks in casks brought in by land over the western frontier, as will be seen by the general observation following paragraph 80 of the "Tariff of import duties," are subject to a rebate of 8 per cent.

Third. The duty on sugar, as specified in paragraph 73 of the "Tariff of import duties," is levied at the rate of 2 roubles and 50 copecks per pood when brought in by land, but on that which is brought in by sea it is at the rate of 3 roubles per pood.

As the usual method of bringing these productions of the United States of America is by sea, while those of Austria and Germany only usually come in by land, because of the contiguity of those countries, it follows that, in the cases above cited, the productions of the United States of America are discriminated against to the extent of 60 per cent. in hardware, about 9 per cent. in wines and spirits, and 20 per cent. in sugars.

In the first the United States of America are already large exporters, and the differential duty goes far to shut us out of this market.

In the second, the trade in spirits, distilled from apples and from peaches, might be made considerable, while the increase of the wine production and of spirits distilled therefrom is already of sufficient importance to warrant a beginning of exportation from the United States of America to Russia.

The article of maple sugar is of smaller importance, but this restriction tends to discourage the importation of that also into Russia.

We call your attention to these facts, in the hope that through your intervention the tariff may be made conformable to treaty stipulations.

September 18, 1877.

EDWARD H. SPALDING.  
 HARTOCK BROTHERS.

[Inclosure 2 in No. 224.—Translation.]

*The minister of finance to Mr. Boker.*

IMPERIAL MINISTRY OF FINANCES,  
*St. Petersburg, September 28 (October 10), 1877.*

SIR: In returning herewith the memorandum of the American merchants residing in Russia, which your excellency sent to me, I have the honor to inform you as follows:

Since 1872 all sugars pay the same duty, no matter by what route they are imported into Russia, whether by land or by sea. This duty is at present 2 roubles 10 copecks the pood for unrefined and 3 roubles 10 copecks for refined sugar. For the year 1878 it is fixed at 2 roubles the pood for the first, and at 3 roubles for the second. Thus the first request of the American merchants is already obtained by the modifications introduced into the tariff now in force.

As regards the other requests set forth by the signers of the memorandum, points 2 and 3, the question there raised of differential duties was discussed in its time by a special commission appointed for the examination of the tariff, and in conformity with its determinations the council of the empire decided to retain them upon a very limited number of articles of commerce. The difference in the duties depending upon the route of importation extends to all products subject to these duties, without any distinction as regards the place whence these articles came. Therefore, being obligatory for all countries which are in commercial relations with Russia, this difference constitutes no privilege in favor of the continental states.

Your excellency, therefore, will admit that under these conditions the existence of differential duties cannot be considered as an infraction of Article XI of the treaty of commerce, concluded in 1832-'33, between Russia and the United States of America.

Receive, &c., &c.,

RENTERN.

No. 432.

*Mr. Boker to Mr. Evarts.*

No. 227.]

LEGATION OF THE UNITED STATES,  
*St. Petersburg, October 25, 1877. (Received November 15.)*

SIR: I have the honor to forward herewith an article from the *Journal de St. Petersburg*, of the 8–20 October, upon the finances of Russia; also a translation of the same. This article is looked upon here as important, as it is understood that if not written at the ministry of the finances, it at least represents accurately the views of the minister.

You will observe what is said about the credit of Russia, and that to keep this intact, additional taxation will be freely resorted to.

I have, &amp;c.,

GEO. H. BOKER.

[Inclosure in No. 227. — Translation.]

*Article from the St. Petersburg Journal of October 20.*

We noticed a week ago the statements by which certain foreign journals saw fit to entertain their readers with an account of the financial condition of Russia. Journals less systematically hostile to us have also undertaken the examination of this condition, and the Russian press itself, with patriotic motives, has also undertaken an examination not only of the resources which the empire disposes of in order to meet the financial necessities of the war, but also of the means to which we must have recourse in order that after the war the equilibrium of the budget, now deranged, may be promptly restored.

Two facts have specially served as a starting-point for these examinations: one is the increase of the notes issued by the Bank of Russia; the other is the depreciation of the means of exchange and circulation, commonly called "fall in exchange."

On January 1, 1877, the circulation according to the report of the bank was 735 millions of roubles, against a specie reserve of 180½ millions in the vaults, of which 31½ millions was in securities instead of specie.

On September 26, the date of the last report, this circulation was 734½ millions, and the specie 180 millions; in the latter, however, the securities which represents specie amounted to 32½ millions.

But it is not here that we must look for accurate information on the issues of notes occasioned by the war. Under the head of "bank-notes issued to the branches," we find since January 1 a sum of 54½ millions. To-day this sum has risen to 195,900,000 roubles. We do not mean to say that the whole of this sum has been absorbed by the wants of the treasury on account of the war, and it would also be contrary to the truth to suppose that this issue has sufficed for the necessities in question. Under this last head we know that since the month of November, 1876, immediately after the first order for the mobilization of a part of the troops, an issue of 100 millions in bank-notes was made, and that shortly after the declaration of war the oriental loan of 200 millions was decreed and offered for subscription. If it is to be said that the product of the first of these loans must have been nearly all absorbed by military preparations made before the declaration of war, we must also consider it certain that the second loan has not yet yielded all that was expected of it; the subscriptions having been postponed till next year.

The issues, therefore, which the Bank of Russia has made, have served in part to advance to the treasury the funds to come from this loan, and partly to facilitate subscription by keeping the rate at a higher figure. Without entering into details as regards the proportion of this second operation, we see as regards the first, that on the 26th September the "current expenses on account of the treasury" amounted to 139½ millions, i. e., to five-eighths of the supplementary issue.

(According to the statement of October 1, which has reached us this evening, and which may be read above, the issue on account of the branches is 219½ millions, and the expenditures of the bank on account of the treasury 152½ millions.)

This must have exercised an influence on the other fact we referred to at the beginning of this article, the depreciation of exchange. December 30, 1876, quotations on London were at 29½, on Paris 310, on Berlin 251. On the day of the declaration of war, April 12–24, they fell to 26½, 274, and 226½; October 1–13 they had reached 22½,

234, and 193. This is a fall in nine months of 20 per cent. as compared with the nominal rate, but of nearly 25 per cent. compared with the 30th December; yet in these nine months the circulation was increased only by 139 millions (939 millions against 791 millions), (*sic*) or by about 17½ per cent.

This relative disproportion ought not to surprise us, first, because the fall, like the rise, is not dependent exclusively and in mathematical proportions on financial considerations—politics and military events have their share in it—and then because speculation, in one direction as in the other, is always ready to anticipate events instead of lagging behind them. Thus the brilliant victory of the army of the Caucasus made exchange rise immediately last Wednesday without inquiry whether, since September 26, there had been any new issue of bank-notes.

But there is an element which has certainly borne its part in the depreciation of the Russian monetary representative (paper rouble); this is the uncertainty in which we are involved about the extension of this issue in case the wants of the treasury shall continue for some time longer in their present proportions. And in this respect no one certainly can fix in advance the limit where we shall stop. What is certain is, that all the great wars of our day have been carried on with the aid of paper money with a fixed circulation. Austria was compelled to have recourse to it in 1859 and in 1866, as well as Prussia and Italy in the latter year, France in 1870, and the United States at the time of the war of the secession. It is because the magnitude of the sacrifices which are required does not permit us to provide for them by means of economies, by foreign loans, or even by the immediate imposition of new taxes.

But a state anxious to re-establish as soon as possible order and equilibrium in its budget deranged by extraordinary military events, will apply itself to restore to its ordinary receipts all that is required to provide for the interest and the payment of the debts contracted during the war, as well as for the operations which the liquidation of the floating debt created at the same time may necessitate. In this respect France, after the war of 1870-71, has given an example worthy of imitation, in imposing upon herself, immediately after the peace, all charges required for the payment of the debts contracted during and on account of the war, and she did not rest until she saw the equilibrium of the budget restored and the reimbursement of her debt to the bank insured within a short period.

Well, we believe that we are not deceiving ourselves in holding it assured, and even in affirming, that Russia expects to do the same. The contributive resources, thank God, are far from being exhausted. Who does not know, on the contrary, that certain branches of revenue, everywhere else of considerable productiveness, have not yet been even touched in this country; that certain classes of society are not yet subjected to direct taxation; that establishments and institutions of great productiveness contribute nothing to the public treasury?

We believe that we are committing no indiscretion in considering as certain the introduction of a tax on classes (called in Prussia *Classensteuer*), whose object will be to supply these deficiencies in part, but above all to create for the state a surplus of revenue corresponding, if not at first, at least in time, with the new charges which the war may have imposed, and to those which will necessarily grow out of the consolidation of a part of the floating debt; a task which we must attend to after the establishment of peace.

This is not all; as we may well believe the treasury is firmly resolved to make—as they say—"arrows of all kinds of wood," if it should be necessary, in order that the credit of Russia should never be put in doubt for a single moment, so, too, notwithstanding the increase of expense which the war has imposed, it has taken measures that when our debts abroad fall due, not only the payment shall not be delayed, but that the funds shall be provided months in advance, in order that slander itself may be disarmed; at the same time it is profoundly impressed with the necessity of maintaining the credit of Russia abroad upon the solid basis which has never failed, and thanks to which, notwithstanding the state of war in which we now are, Russian funds are quoted higher than those of some other states which are not subject to this cause of depreciation.

With this object in view, to maintain intact the credit of Russia by all the means of which a conscientious administration, taxing its ingenuity to find resources, can dispose, the Russian Government knows that it can count on the assistance of all classes of the population, and that the sacrifices which may be required of them will be readily made, with an intelligent appreciation of the objects to be attained, the prosperity as well as the honor of the country.

These sacrifices will be the more easy to make as they will be equitably divided, and as the taxes will be raised on the increase of means which the economical and administrative ameliorations of the last twenty years have created for all classes of the population. Thanks to the development of our railroads, commerce and agriculture have equally participated in this increase. Thus, if we examine the last statements of the receipts of our railroads, we see that even the present war has not slackened the progress of business. The gross receipts of the seven first months of 1877 show an increase

of more than 19 millions of roubles, that is to say, of 17½ per cent. on the previous receipts, and if we compare the returns by versts (two-thirds of a mile), we see that the increase has been constant. From 4,749 roubles in 1873 they reached 5,272 roubles in 1874, to fall to 4,776 in 1875 and to 4,462 in 1876, and finally to rise to 5,243 roubles in 1877; a result the more satisfactory, because from 1874 to 1877 the network of lines has been increased more than 3,200 versts, and we know that new lines tend to diminish the average receipts of the network. From 1873 to 1877, while the network has increased 4,665 versts, or 33 per cent. (18,765 against 14,110 versts), the receipts have increased 52 per cent. (98½ millions of roubles against 64½ millions) in seven months (January to July). These are facts which require no comment.

It remains for us to add, that if the war has stopped the concession of new railways—and for good reasons, because the issue of bonds at best meet with difficulties at this time—the construction of the lines already conceded has not been delayed; and notwithstanding the heavy charges the treasury has to meet, it has not hesitated to assume lately a considerable expense (23 millions of roubles, if we are well informed) to enable our companies to increase their rolling-stock in large proportions and with little delay, and so create new facilities for our commerce.

In this manner the commercial activity of the empire, as far as is possible, is placed beyond the perturbations that the war brings with it, and on the day when an appeal shall be made to the contributive resources of the nation it will be in a condition to meet it. However imperfect may be the facts which we have placed before our readers, they are sufficient to prove this.

---

No. 433.

*Mr. Seward to Mr. Boker.*

No. 107.]

DEPARTMENT OF STATE,  
Washington, October 31, 1877.

SIR: Your dispatch No. 224, of the 12th instant, has been received. It is accompanied by a copy of the Russian tariff, which, it appears, discriminates in favor of the introduction of certain merchandise by land over similar articles imported by sea.

It seems that certain United States merchants at St. Petersburg complained to you of this discrimination as being against the 6th article of the treaty of 1832 between the United States and Russia.

You laid a brief of their complaint before the Russian minister of finance, who answered it in a note to you of the date of the dispatch.

It is agreeable to notice from the tenor of M. de Renterm's note that the cause of complaint in regard to sugar has been removed. It appears, however, to be retained in respect of the other articles.

This decision may be regarded as a direct violation of that part of the article of the treaty which stipulates that no higher or other duties shall be imposed on the importation into the Empire of Russia, of any article the produce or manufacture of the United States than are or shall be payable on the like article being the produce or manufacture of any other foreign country.

It seems clear that this stipulation was not meant to reserve to Russia the privilege of charging a less duty upon importations by land than upon those by sea. The smaller duty required by the tariff upon articles carried by land plainly has the effect of a bounty upon importations from countries contiguous with Russia.

The discrimination adverted to may not be practically important, except, perhaps, against articles of American hardware, which, it is agreeable to learn, are coming into demand abroad. It involves a principle, however, and a construction of the treaty upon which we must insist. You will so apprise the proper authorities.

I am, &c.,

F. W. SEWARD,  
*Acting Secretary.*

No. 434.

*Mr. Boker to Mr. Evarts.*

No. 234.] LEGATION OF THE UNITED STATES,  
*St. Petersburg, November 22, 1877. (Received December 13.)*

SIR: Referring to your No. 107, in regard to discriminating duties exacted by the Russian tariff, I have the honor to inform you that, in accordance with your instructions, I have addressed a note to the imperial government upon this subject. I inclose a copy of my note herewith.

I have, &c.,

GEO. H. BOKER.

[Inclosure in No. 234.]

*Mr. Boker to Mr. de Giers.*

LEGATION OF THE UNITED STATES,  
*St. Petersburg, November 19, 1877.*

EXCELLENCY: About the time of its date I received from certain American merchants a memorial, a copy of which I inclose, calling my attention to certain articles in the tariff of Russia which practically seemed to discriminate in favor of the manufactures of contiguous states whose goods were exported to Russia by land as compared with those of other states, which, by reason of their geographical position, are obliged to export their goods to this country by sea. The United States of America belong to the latter category, and from their remoteness from Russia, and the necessity which they are under of using sea transportation as a means of commerce with Europe, they must feel the full hardship of the discrimination in the tariff of Russia to which I have referred.

I believe it to be the policy of the imperial government, by a judicious legislation and by every other means in its power, to foster the growing commercial relations between our two countries; a policy which has the hearty concurrence and active aid of the Government of the United States.

As early as the year 1832, under the influence of this friendly sentiment, in the treaty of commerce concluded between the two countries it was stipulated that "No higher or other duties shall be imposed on the importation into the United States of any article the produce or manufacture of Russia, and no higher or other duties shall be imposed on the importation into the Empire of Russia of any article the produce or manufacture of the United States, than are or shall be payable on the like article being the produce or manufacture of any other foreign country. Nor shall any prohibition be imposed on the importation or exportation of any article the produce or manufacture of the United States or of Russia to or from the ports of the United States, or to or from the ports of the Russian Empire, which shall not equally extend to all other nations." (Article VI, Treaty of 1832.)

It seems to me to be self-evident that a tariff which discriminates in favor of dutiable goods imported by land equally discriminates against such goods imported by sea, and therefore withholds from the United States the benefit of the spirit of the article of the treaty of 1832 just quoted.

It does not obviate the disadvantageous position in which the United States is placed to say that the goods against which this discrimination is made may be unloaded at a foreign port and the same imported into Russia by land. The increased expense of such a course is obvious, and it would probably be so great as to do away with the difference in the duty of thirty copecks which exists between the two different manners of importation. Besides, I take it for granted that, with the imperial government, as with the Government of the United States, there is a wish to encourage direct trade between the two countries; to have American goods enter Russian ports in American ships, and not to use a foreign port as an *entrepôt* for the commerce of Russia.

About the time the memorial regarding the Russian tariff was sent to me by the American merchants I had occasion to pay a visit to his excellency the imperial minister of finance. Unofficially I called his excellency's attention to the discrimination existing in the tariff as to the two methods of importation, and I requested his excellency to furnish me with any information or explanation as to the difference which he might be able to give, and also to inform me how this state of things could be reconciled in relation to the United States with the stipulations of Article VI of the treaty of 1832.

I herewith inclose you a copy of a note which his excellency shortly after our interview addressed to me. This note probably contains the view which the imperial government may take of the question, but I believe that reflection will convince your excellency that it is a view that is hardly tenable in face of the treaty of 1832, and one in which it cannot be supposed that the Government of the United States of America can concur.

On submitting the memorial of the American merchants to my government, I find that its views are in accordance with those I have expressed above. I have accordingly been instructed to apprise the imperial government of the fact that, in the opinion of the Government of the United States, the discriminating duties referred to are in contravention of the stipulations of Article VI of the treaty of 1832, since it seems clear that this stipulation was not meant to reserve to Russia the privilege of charging a less duty upon importations by land than upon those by sea. The smaller duty required by the tariff upon articles carried by land plainly has the effect of a bounty upon importations from countries conterminous with Russia.

I have also been instructed to say that the discrimination adverted to, whether it be of great or small present importance, involves a principle however, and a construction of the treaty upon which the interests of our commercial relations oblige us to insist. I accordingly beg to call your excellency's attention to the subject in question, hoping that an examination of the matter will bring your excellency's views into harmony with those expressed by the Government of the United States, and will lead to such action on the part of the Imperial Government as will speedily remove a cause of dissatisfaction, the arrangement for which is based upon the stipulations of a treaty between the two countries.

I take, &c.,

GEORGE H. BOKER.

---

No. 435.

*Mr. Boker to Mr. Evarts.*

No. 241.]

LEGATION OF THE UNITED STATES,  
St. Petersburg, December 20, 1877. (Received Jan. 10, 1878.)

SIR: I have the honor to forward to you herewith a short article from the *Journal de St. Petersburg*, of this date, upon the Russian budget of 1876, with a translation of the same. There were no doubt very considerable expenditures made in that year in anticipation of the war which broke out in the spring of 1877, and Russia has therefore reason to congratulate herself that the expenditures exceeded the receipts by so small an amount. As soon as I receive in an official form the *compte rendu* for 1876, I shall have the honor to forward it to you.

I have, &c.,

GEO. H. BOKER.

---

[Inclosure in No. 241. Translation.]

*The Russian budget.*

[From the *Journal de Petersburg* of December 8-20, 1877.]

We publish to-day, in a supplement, the report of his excellency the comptroller of the empire on the final settlement of the budget of receipts and expenditures for 1876. We will not insist upon the importance of this financial document, which derives particular importance from the year to which it refers. Note, that notwithstanding the influence of political circumstances, the receipts realized in 1876 exceeded by 24 millions of roubles the calculations of the budget, and that the budget was finally balanced by a payment of 54 millions only of coupons, an amount which the treasury easily provided for out of the balance of 1875, which amounted to 404 millions.

As regards the general situation created by political events, these results are certainly satisfactory, and they prove once more the financial power of Russia.



No. 436.

*Mr. Boker to Mr. Evarts.*

No. 242.]

LEGATION OF THE UNITED STATES,  
*St. Petersburg, December 24, 1877. (Received Jan. 18, 1878.)*

SIR: I have the honor to say that on Saturday last, December 22, His Majesty the Emperor of Russia returned from the army of the Danube, and made what may be termed a solemn entry into the capital.

As the popular excitement produced by the recent great victories of the Russian arms had not yet faded in the public mind, the Emperor was received with extraordinary public enthusiasm, and his progress from the railway station to his palace was almost a modern imitation of an ancient triumph. I herewith inclose a newspaper account of the incidents of the occasion, which, after abating somewhat from the warmth of coloring due to the official zeal of the writer, is sufficiently accurate in its statement of facts.

The chancellor of the empire, Prince Gortchacoff, and the officials of the ministry of foreign affairs who have been absent at Bucharest, returned to St. Petersburg with His Majesty, and the first named has given official information that he has again entered on the performance of the functions of his office.

I have, &amp;c.,

GEO. H. BOKER.

[Inclosure 1 in No. 242.—Translation.]

*Return of the Emperor.*

[From the Journal de St. Petersburg of December 10.]

The old and naïve French expression "*joyeuse entrée*" is that which best serves to characterize in a few words the reception which the population of St. Petersburg gave to-day to their august sovereign, returning to his capital after six months of absence passed at the seat of war. The city is filled with gladness. Joy unspeakable, and for which at the same time there is good reason, fills all hearts at the idea that the Czar Liberator is once more among us, and that he returns happy and contented with the brilliant results obtained by his admirable armies.

One ought to see the aspect of our city notwithstanding this dark and somber day of December 10. All the streets are draped with flags of the national colors; all the houses with balconies or street projections are ornamented with draperies of brilliant colors, carpets, &c. Busts of His Majesty, surrounded with evergreens and flowers, often crowned with laurel, met the eye at every step. We have tried to improve on the ordinary decorations of fête days, to show that the solemnity of to-day is, in the eyes of all, an unusual solemnity, a historical event. The streets by which His Majesty was to pass from the Warsaw Station, first to the Cathedral of Kazan, and afterwards to the Winter Palace, had a truly fairy-like aspect. Thousands of flags of bright colors floated on the houses; the decorations of the balconies and of the porticos formed almost a continuous chain. From the Warsaw Station to the Winter Palace, the perspectives Ismailovsky and Voznessensky, the Grande Sadovaia and the perspective of Nevsky, were bordered with a compact crowd, in which were indiscriminately mingled all classes of the population. The troops of the garrison of St. Petersburg were drawn up without arms, as a hedge, on one side of the chaussée, and military music filled the air with its joyous notes.

At the platform of the station His Majesty was received by the acclamation of the deputations of the police courts and of the noblesse of the government of St. Petersburg, as well as of the municipal council of the capital, while the members of the Council of the Empire and of the Senate, in full numbers, were collected in one of the imperial salons of the station to welcome the Emperor. In another room a great number of ladies of position were assembled, and at the moment when the Sovereign entered he was agreeably surprised by the chorus of warm acclamations which came from this group, while at the same time from all sides flowers and bouquets rained, and almost covered the august traveler and strewed the floor of the room. The Emperor had a gracious word for each of the numerous persons who surrounded him and pressed forward better to catch sight of him. His Majesty gave to some, news of their

relatives remaining with the army; from others he inquired the condition of wounded officers whom he knew were with their families. Fresh acclamations rose from all sides when the Emperor got into his sleigh.

On the semicircular place of the Cathedral of Kazan platforms had been constructed for the public, in the shape of an amphitheater backed against the colonnade of the temple. The pupils of all the civil schools of St. Petersburg were massed in groups before the peristyle. On this point of the route the crowd was particularly compact, for the imperial cortège was to make a stop here, while His Majesty entered the church to worship the sacred pictures and to hear a thanksgiving service for his happy return. The clergy of the capital, the metropolitan at their head, awaited His Majesty under the porch with cross and banners.

On the place of the Winter Palace, from the great arch of the Staff, the troops were massed in a double hedge. The military schools of all classes were grouped around the palace.

Loud acclamations of hundreds of thousands of voices reverberating like the rolling of thunder announced on the whole route the approach of the beloved Sovereign. Preceded by the prefect of the city, mounted and followed by a numerous cortège of officers of every rank and every grade, His Majesty the Emperor advanced in an open sleigh, at a slow trot, accompanied by His Imperial Highness Monseigneur the Grand Duke Serge Alexandrovitch. The two august travelers wore their field uniforms, with caps.

It is impossible to describe the aspect of the crowd at the moment when they caught sight of the Monarch so impatiently awaited. The enthusiasm rose to delirium; caps and hats flew into the air, handkerchiefs were waved on all sides, and it needed all the traditional respect of the Russians for their Sovereigns to prevent this human billow from breaking its ranks and barring the passage of the cortège.

On the Place of Kazan the enthusiasm reached its apogee. As he came out from the temple His Majesty was greeted with such hurrahs as have perhaps never been heard in the streets and on the places of St. Petersburg.

Behind the sleigh of His Majesty the Emperor came the carriage of Her Imperial Highness Madame the Grand Duchess Césarevna. The august wife of the heir to the throne was also very warmly acclaimed by the people.

His Majesty the Emperor arrived at the Winter Palace about eleven o'clock. The crowds which had pressed upon his route collected again before the palace, where an innumerable multitude remained for hours, singing "God protect the Czar," and making the air resound with loud hurrahs. In the streets which the imperial cortège had followed, the regular circulation was not resumed till toward noon.

The city has kept all day long its air of fête. The principal streets appeared to be veritable forests of draperies. Toward evening all the capital was brilliantly illuminated. The perspective Nevsky and the Grande Morskaja particularly presented a coup d'œil truly fairy-like. Enthusiastic manifestations took place in all the theaters.

The day of the 10th of December will remain forever memorable in the annals of St. Petersburg.

---

### No. 437.

*Mr. Stoughton to Mr. Evarts.*

No. 19.]

LEGATION OF THE UNITED STATES,  
St. Petersburg, March 29, 1878. (Received April 17.)

SIR: Referring to your dispatch No. 107, addressed to my predecessor, I have the honor to forward to you herewith copies of the correspondence which has passed between Mr. de Giers and myself upon the subject of discriminating duties imposed in Russia upon the commerce of the United States.

I have, &c.,

E. W. STOUGHTON.

---

[Inclosure 1 in No. 19.—Translation.]

*Mr. de Giers to Mr. Stoughton.*

No. 1010.]

ST. PETERSBURG, January 31 (February 11), 1878..

SIR: By a note dated November 7-19, 1877, Mr. Boker, by order of his government, transmitted to the imperial ministry a copy of a memorial of certain merchants of the United States, calling his attention to certain differences which exist in the Russian

tariff, as regards the duties upon merchandise according to its importation by sea or land.

Mr. Boker considered these differences as prejudicial to the interests of the United States, which could maintain a maritime commerce only with Russia, and as contrary to the stipulations of our treaty of commerce with those States, which assures to each country the treatment of the most favored nation.

An exchange of ideas upon this subject, between Mr. Boker and our minister of the finances, had preceded this communication.

In reply to this communication, the imperial ministry thinks it proper now to inform your excellency that we are of the same opinion as that expressed by Mr. de Rautern, secretary of state.

In fact there exists, according to our views, a difference which it is impossible not to recognize, and which is admitted by the commercial legislation of all countries, between commerce by land and commerce by sea. This explains sufficiently the inequalities in our tariff in the two cases. These inequalities apply to the merchandise of all countries without distinction, and consequently cannot be looked upon as a departure from the principle of the equal treatment of the most favored nation. Our treaty of commerce with the United States, besides, refers only to our commerce by sea, without prejudice to the commercial relations of Russia by land with its immediate neighbors, as appears from article 6, forbidding all prohibitory tax on the products of the two countries, on entering or leaving the ports of the United States or those of the Empire of Russia.

Receive, sir, &c.,

GIER8.

[Inclosure 2 in No. 19.]

*Mr. Stoughton to Mr. de Giers.*

LEGATION OF THE UNITED STATES,  
*St. Petersburg, March 16-28, 1878.*

EXCELLENCY: Referring to your note of January 31 (February 11), I have the honor to state that it fails to satisfy me that your government has rightly interpreted article 6 of the treaty of 1832. That article declares that no higher or other duties shall be imposed on the importation into the Russian Empire of any article produced or manufactured in the United States, than shall be payable on the like article being the produce or manufacture of any other foreign country. That your government violates the letter of this article by imposing less duty on certain products and manufactures—for instance, of Germany—than upon like articles the produce and manufacture of the United States is admitted, and Your Excellency attempts to justify this discrimination against my country by insisting that the letter of article 6 is to be controlled by such a construction as limits its operation to such foreign countries as are compelled to send their productions or manufactures to Russia by sea. In other words, the position taken by your government is, that it may, if it pleases, and without violating the article in question, admit the products or manufactures of Germany free of duty, and yet charge upon like articles produced or manufactured in the United States a duty substantially prohibitory, if it does not exceed that charged upon like articles produced or manufactured in other countries separated from Russia by sea. This does not in my opinion present a just or solid distinction, or one justified by the language or the purpose of the treaty of 1832.

In attempting to maintain this construction of article 6, Your Excellency says there exists in your opinion a distinction that must be recognized, and is admitted by the commercial legislation of all countries, between commerce by land and commerce by sea. I fail to see the application of this to the question we are considering.

If at the date of the treaty it was the common understanding of mankind that when two nations stipulated to admit the products and manufactures of each without imposing a higher duty than that imposed upon the produce or manufactures of any other foreign country, it meant only foreign countries separated from the contracting parties by sea, this might assist your government in sustaining the construction it places upon the article. Your Excellency has not, however, referred me to any such established rule for the interpretation of treaties, and while I venture to suggest that none such exists, I beg leave to add that, if allowed to prevail, it would produce great injustice to the citizens of my country.

Permit me to illustrate. They can only send their products and manufactures into Northern Russia by sea during about six months of the year, while German subjects, for instance, may send like articles at all times by rail. They have, therefore, an advantage over citizens of my country, because, if equally good products and manufactures can be produced in Germany at as low prices as in the United States—although the freight thereon might be more by rail than by sea—the advantage to the dealer in purchasing in

Germany, as his trade requires, at all seasons of the year, is manifest, for he would thus be relieved from the necessity of investing in the summer or autumn a large capital with which to purchase his stock in the United States, to supply customers during the following winter and spring, thereby saving interest upon such investments, and relieving himself from the risk of having a considerable remnant of his stock left unsold, and partially unsalable. These considerations, and others which might be mentioned, show that the country not separated by sea may, with equal duties imposed upon its produce and manufactures, possess a great advantage over its more distant rival for the trade of the nation imposing them. A descent into such particulars seems hardly necessary, however, or even appropriate for the purpose of determining the construction which ought to be placed upon the treaty of 1832. I am unable to discover in its language, its purpose, or its practical consequences any solid ground for the interpretation put upon it by your government.

Your excellency has, in support of your views, referred to the clause at the close of article 6, from which you draw the inference that maritime commerce only was intended to be embraced within the treaty. As I understand that clause, it cannot be successfully invoked in aid of your excellency's interpretation. It declares in substance that articles the produce of the United States, or of Russia, shall not by prohibition be excluded from the ports of either, unless such prohibition equally extends to all other nations. This clause is utterly distinct in its purpose from that prohibiting the imposition of discriminating duties. The one was designed to place the citizens of my country upon the footing of the most favored nation as to the payment of duties, while the other was intended to prevent the exclusion of products or manufactures of Russia from the United States, or the products or manufactures of the United States from Russia, unless the nation so excluding should extend the prohibition to all other countries, whether separated from it by seas or by land only.

In conclusion, permit me to say to your excellency that treaties should be executed according to their terms, unless the language employed is so ambiguous as to render the meaning of the parties to them doubtful; in which case, and then only, their meaning may be ascertained by an appeal to surrounding circumstances. Here the language is free from all ambiguity. It admits of no interpretation, because none is needed. That put upon it by your government subjects the citizens of my country to the disadvantages of not being able to introduce their products and manufactures into Russia upon an equality with the subjects of the German Empire, or with those of other governments of continental Europe. This, I respectfully submit to your excellency, is in violation of the letter and purpose of the treaty, which was designed to afford to citizens of my country equal opportunities with those of any other to compete for the trade of Russia; and this policy, I beg leave to suggest, is as beneficial to your country as to my own.

I take this opportunity, &c.,

E. W. STOUGHTON.

---

No. 438.

*Mr. Hoffman to Mr. Evarts.*

No. 23.]

LEGATION OF THE UNITED STATES,  
St. Petersburg, April 9, 1878. (Received April 24.)

SIR: Referring to your No. 9, addressed to Mr. Stoughton, I have the honor to forward to you herewith a copy of a note I have to-day addressed to Prince Gortchakoff upon the subject of a bi-metallic conference.

I have, &c.,

WICKHAM HOFFMAN.

---

[Inclosure in No. 23.]

*Mr. Hoffman to Prince Gortchakoff.*

LEGATION OF THE UNITED STATES,  
St. Petersburg March 28 (April 9), 1878.

PRINCE: I have the honor to forward to your highness herewith a copy of an act of the Congress of the United States, authorizing the coinage of the standard silver dollar, and restoring its legal-tender character.

I am instructed by Mr. Evarts to bring this enactment to your highness's notice, and

in accordance with the provisions contained therein to invite the imperial government, in the name of my government, to join the United States in a conference to adopt a common ratio between gold and silver, for the purpose of establishing internationally the use of bi-metallic money, and securing fixity of relative value between those metals; such conference to be held at such place in Europe or the United States, at such time within six months as may be agreed upon by the executives of the governments joining in the same, whenever the governments invited, or any three of them, shall have signified their willingness to unite in the conference.

The Government of the United States takes great interest in the measures now proposed for conforming the coinage and properties of the precious metals in the systems of the countries invited to the conference. Its importance to commercial nations, and especially to silver-producing countries, can scarcely be overestimated. To Russia it appeals with double force. Producing silver in large quantities, and situated as she is, both geographically and commercially, with a large and increasing commerce with Eastern Asia, where silver is the recognized currency of commerce, Russia must feel a special interest in the settlement of this question.

Mr. Evarts trusts that your highness will be able to announce to me promptly that Russia will join the United States in this measure, and that you will express your preference for such place and date for the meeting of the conference as will best suit the views and convenience of the Imperial Government.

I take this, &c.,

WICKHAM HOFFMAN.

No. 439.

*Mr. Evarts to Mr. Stoughton.*

No. 14.]

DEPARTMENT OF STATE,  
*Washington, April 19, 1878.*

SIR: Your dispatch No. 19, of the 29th ultimo, has been received. It is accompanied by a correspondence between yourself and the Russian foreign office, on the discrimination of the Russian tariff in favor of imports from abroad by land, contrary to the stipulation in their treaty with us, which does not recognize a right to such a discrimination. Your argument upon the subject is clear, forcible, dignified, and, it seems to me, conclusive.

If a right to any such discrimination had been in the contemplation of the parties, it certainly would have been provided for in the treaty. The practical effect of the Russian construction has been more sensibly injurious to us since the railways of that country have connected with those of its neighbors. This was a state of affairs not foreseen in 1832, when the treaty was concluded.

I am, &c.,

WM. M. EVARTS.

No. 440.

*Mr. Hoffman to Mr. Evarts.*

No. 32.]

LEGATION OF THE UNITED STATES,  
*St. Petersburg, April 29, 1878. (Received May 16.)*

SIR: A very remarkable trial has recently taken place here; so remarkable, especially as showing the mode of the administration of justice in Russia, and the motives both of reason and feeling which control it,

that I have thought you might be interested in a narrative of the circumstances. It is the trial of Vera Zasulitch.

In January last, General Trepoff, chief of police and governor of St. Petersburg, was giving audience as usual to the crowd of petitioners who frequented his office. A young woman approached and handed him a paper. As he cast his eye upon it, she drew a revolver from her dress and shot him in the groin. She was of course immediately arrested and imprisoned; and her trial came on in due course.

It commenced on the 12th instant before a court of three judges and a jury. The prisoner was very ably defended by Mr. Alexandroff, an advocate of ability and courage. There was no difficulty in establishing the facts. They were freely admitted by the prisoner herself, who was put upon the stand. She stated that she had shot at General Trepoff intentionally; that she had not aimed at any particular part of his person, and that she had cared little whether she killed or wounded him. She then proceeded to give an account of her motives.

Vera Zasulitch is of a respectable family. She is a daughter of an officer of the army. In 1869, at the age of seventeen, she was guilty of the crime of knowing a revolutionist, and of the imprudence of writing to him. Her letter, an innocent one, fell into the hands of the police, who arrested her. For two years they kept her in prison, while they sought for proof of her complicity in some revolutionary plot. Finding none she was released from prison, but not set at liberty. She was taken from her family at St. Petersburg and sent to Krestsi, in Novgorod, landed there without money, and kept there under the surveillance of the police for two years more. She was then transferred to Kharkoff, where she was kept two years longer. Finally, after six years of confinement and surveillance on the mere suspicion of being engaged in revolutionary propagandas, she was released.

Returning to St. Petersburg after an interval of time, her mind brooding over the gross injustice she had suffered, she heard of an incident which happened last July at the fortress, and produced at the time a great sensation. Corporal punishment has been abolished by the present Emperor, one of the many humane acts of his reign. Notwithstanding this, General Trepoff had ordered a prisoner to be flogged for the crime of not taking off his hat to him in the court-yard of the prison. This incident came to the knowledge of Vera Zasulitch. Acting upon a sensitive and courageous mind, it drove her, as she says, to bring these abuses of power to public attention and to the knowledge of the Emperor. She is represented to have said that the Emperor knows nothing of the violation of justice which is constantly occurring in his dominions, and that the only way to bring the matter to his knowledge was to commit some act which would lead to a public trial, and thus reach his ears.

This was all her defense, well enforced by her able advocate.

You naturally suppose that the jury found her guilty of assault with intent to wound, and recommended her to mercy. Not at all. They acquitted her promptly and magnanimously, and the verdict has met with almost universal public approval. Officers very high in rank in the Russian service were present and applauded.

You ask who were the jurors. They were a very respectable class of men, some of them lately or still in the employ of the government, and all belonging to the class of substantial citizens.

The explanation of this singular verdict, I think, is this: I heard it said at the time of the trial, "It is not the prisoner who is on trial; it is General Trepoff and the police system of Russia"; and the verdict of "not guilty" on the prisoner was in reality a verdict of "guilty" on Gen-

eral Trepoff and the police administration of Russia. As such it was received by the audience with cheers, and by the immense crowd gathered in the neighborhood with great enthusiasm, and appears to have met with very general public approval.

General Trepoff, who has recovered from his wound, is reported to have asked for leave of absence immediately upon learning the verdict, and to have left the city. It is believed that he will never resume his functions.

Vera Zasulitch was set at liberty and escorted to her home by an immense crowd of people. The next morning she had disappeared. Possibly her friends have withdrawn her for the present to strict privacy—probably she is again in the hands of that police whose administration the jury and public opinion have condemned, to be sent out of the country or interned (?) in some distant province.

I have, &c.,

WICKHAM HOFFMAN.

No. 441.

*Mr. Hoffman to Mr. Erarts.*

No. 38.]

LEGATION OF THE UNITED STATES,  
*St. Petersburg, May 23, 1878. (Received June 8.)*

SIR: Since I had the honor to write you on the 16th instant, nothing has happened here to change essentially the position of the Eastern question, but its aspect is to-day decidedly more peaceful. Count Schouvaloff's mission appears to have been successful thus far, and there is now every reason to hope that the congress will meet very soon.

I cannot learn that any other vessel has sailed from a Russian port upon the same mission as the *Cimbria*. I am informed, however, that small parties of officers and seamen have been dispatched from time to time by the regular Bremen and Hamburg packets to New York.

The Shah of Persia arrived here to-day. A grand review is to be held in his honor to-morrow, and it is arranged that he shall spend several of his evenings at the ballet; a species of entertainment which appears to have a special fascination for him. He will remain here one week.

Mr. Stoughton was to have left Rome last week for France, and is probably now at Paris.

I have, &c.,

WICKHAM HOFFMAN.

No. 442.

*Mr. Hoffman to Mr. Erarts.*

No. 40.]

LEGATION OF THE UNITED STATES,  
*St. Petersburg, May 29, 1878. (Received June 17.)*

SIR: The event of the week has been the visit of the Shah of Persia. No ball or other fête was given him. \* \* \* He was taken to the ballet, the opera, and the circus, and seats were sold to the public as usual,

A review of the garrison of St. Petersburg took place in his honor on the 25th instant. I have seen many of the finest reviews ever held in Paris in the time of the late Emperor, but in the appearance of the men, their drill and soldierly bearing, the review of the 25th was the finest I ever saw. The French and German ambassadors, both general officers of distinction, were loud in its praise. There were 31,000 men on the field, and they passed before the Emperor in an hour and a quarter without delay or check of any kind.

In the afternoon of the same day the Shah received the diplomatic corps. His conversation with me was confined to the usual inquiries of civility as to the President's health and that of General Grant. He left St. Petersburg yesterday for Berlin, whence he goes to Paris.

The Emperor has removed with the imperial family to the summer palace of Tsárskoe Sélo, about ten miles from the city.

I have, &c.,

WICKHAM HOFFMAN.

No. 443.

*Mr. Hoffman to Mr. Evarts.*

[Telegram.]

ST. PETERSBURG.

EVARTS, Washington, United States :

Russia accepts Congress; condition, study question only. Reserves liberty of action as regards further measures. Prefers European city.  
HOFFMAN.

Received June 3, 1878.

No. 444.

*Mr. Hoffman to Mr. Evarts.*

No. 41.]

LEGATION OF THE UNITED STATES,  
St. Petersburg, June 3, 1878. (Received June 22.)

SIR: I have the honor to forward to you herewith a copy and translation of a note yesterday received from Mr. de Giers, upon the subject of the bi-metallic Congress; and as it is possible that the translation may not render the precise meaning of the original, I beg to call your attention especially to the original French.

In this connection I have the honor to inform you that I have this day sent you the following telegram :

“EVARTS,

“Washington, United States :

“Russia accepts Congress; condition, study question only. Reserves liberty of action as regards further measures. Prefers European city.

“HOFFMAN.”

I have, &c.,

WICKHAM HOFFMAN.



(Inclosure in No. 41.—Translation.)

*Mr. de Giers to Mr. Hoffman.*

ST. PETERSBURG, 19-31 May, 1877.

SIR: The imperial ministry has not failed to communicate to whom it concerned the tenor of the note you were kind enough to address to his highness the chancellor of the empire, under date of March 28 (April 9), relative to the intention of the Government of the United States of America, to convoke a conference with the object of studying the question of the monetary standard bi-metallic or single.

I have the honor to inform you to-day, sir, that the imperial government is entirely disposed to take part in the proposed meeting, on condition, however, of considering this conference only as a means of facilitating the study of the question of the metallic standard.

The imperial government reserves at the same time its entire liberty of action as regards the further measures to be taken in this question, as far as Russia is concerned.

As regards the choice of the city where the conference might be held, the imperial government prefers that a city of Europe should be designated.

Begging you, sir, to have the kindness to communicate to me the further arrangements of the Government of the United States on this subject, I profit by the opportunity, &c.

GIERS.

No. 445.

*Mr. Hoffman to Mr. Erarts.*

No. 42.]

LEGATION OF THE UNITED STATES,  
St. Petersburg, June 4, 1878. (Received June 20.)

SIR: Referring to Mr. Stoughton's dispatch No. 19, in reference to discriminating duties imposed upon United States commerce in Russia. I have the honor to inclose herewith a copy of a note this day received from Mr. de Giers upon this subject, with a translation of the same.

I have, &c.,

WICKHAM HOFFMAN.

(Inclosure in No. 42.—Translation.)

*Mr. de Giers to Mr. Hoffman.*

SIR: By his note of the 16-28th March last Mr. Stoughton renewed his reclamation regarding the differences which exist in the Russian tariff as regards the import duties on merchandise according to its importation by land or by sea, insisting on the injury which resulted therefrom to the commerce of the subjects of the United States, and on the violation which might be found therein of the spirit and letter of the treaty of 1832.

The imperial ministry has devoted to the contents of this new note an attentive consideration, but to their great regret do not find good reasons for sharing, in this affair, the views of the Government of the United States of America.

Accept, sir, &c.

GIERS.

No. 446.

*Mr. Hoffman to Mr. Erarts.*

No. 43.]

LEGATION OF THE UNITED STATES,  
St. Petersburg, June 6, 1878.

SIR: I have the honor to forward to you herewith a copy of translation of a note from Mr. de Giers, in relation to injury done by foreign

vessels to the torpedoes in the port of Odessa. Mr. de Giers requests that the dispositions taken by the authorities of Odessa may be brought to the attention of our people.

If I am correctly informed, although large quantities of the products of the United States are imported into Odessa, they are brought almost exclusively in foreign bottoms. Our flag is rarely seen in that port.

I am, &c.,

WICKHAM HOFFMAN.

---

[Inclosure in No. 43.—Translation.]

*Mr. de Giers to Mr. Hoffman.*

SIR: General Aide-de-Camp Sényéka, commanding the troops of the department of Odessa, informs the imperial ministry of foreign affairs that foreign merchant vessels are constantly causing, either through negligence or intentionally, much damage to the torpedoes submerged for the defense of the port of Odessa.

In view of this fact, the competent authorities have received instructions to proceed to an exact valuation of the damage inflicted in each instance, and to bring these affairs before the local tribunal.

I consider it my duty to inform you of the above-mentioned regulations, begging you to have the kindness to bring them to the knowledge of your countrymen, in order to avoid as much as possible all disputes and misunderstandings.

Receive the assurances, &c.,

GIERS.

---

No. 447.

*Mr. Stoughton to Mr. Erarts.*

No. 56.]

LEGATION OF THE UNITED STATES,  
*St. Petersburg, August 8, 1878. (Received August 24.)*

SIR: I have the honor to forward to you herewith a translation of a note just received from Mr. de Giers, informing me that Mr. de Thoerner, privy counselor, has been appointed delegate to the monetary conference at Paris of August 10.

I have, &c.,

E. W. STOUGHTON.

---

[Inclosure in No. 56.—Translation.]

*Mr. de Giers to Mr. Stoughton.*

ST. PETERSBURG, *July 26 (August 7), 1878.*

SIR: Referring to the note of the légation of the United States of America of June 24 (July 6), relative to the meeting of a conference to study the question of the bi-metallic or single monetary standard, I have the honor to inform you that it is the Privy Counselor of State de Thoerner who has been named delegate of the imperial government to take part in the deliberations on this matter which will take place in Paris July 29 (August 10) of the present year.

Receive, &c.,

GIERS.

## SPAIN.

No. 448.

*Mr. Lowell to Mr. Evarts.*

No. 25.]

LEGATION OF THE UNITED STATES,  
*Madrid, November 8, 1877. (Received November 27.)*

SIR: I have the honor to transmit a copy and translation of a note received on the 4th instant from the minister of state, with regard to the admeasurement of vessels.

As I was not quite sure about its precise intention, I preferred to defer forwarding it till after I should have had an interview with the minister of state. Yesterday, accordingly, I saw Mr. Silvela, who, frankly confessing that it was a matter about which he understood nothing, sent for one of the clerks in the ministry of marine, who assured me that the note intended to convey the acceptance, by Spain, of the offer of my government. To-day, consequently, I acknowledged the reception of the note in such a way as to admit no other understanding of its intent. A copy of my acknowledgment is subjoined for your further information.

It would seem that all question might be avoided in future, and that no remeasurement would be necessary on either side, if the papers issued to our ship captains expressed the *net* as well as the *gross* tonnage. This formality, I find, is complied with by some, at least, of the other powers with which Spain has an agreement on this point.

I have, &amp;c.,

J. R. LOWELL.

[Inclosure 1 in No. 25.—Translation.]

*Mr. Silvela to Mr. Lowell.*MINISTRY OF STATE,  
*Palace, November 2, 1877.*

EXCELLENCY: I have the honor to communicate to your excellency that as I am informed by the minister of marine, on examination of the Customs Regulations of the United States, which refer to the method of determining the burthen of vessels, it appears that the rates established in this respect by the country which your excellency so worthily represents are in accordance with those which govern in Spain; but, since, in the documents issued by the authorities of the United States, only the *gross* or what is called the regulations registered tonnage appears, when, according to the rules in force in our country, it is necessary to know the *net* tonnage of an American vessel which arrives at a Spanish port, it is indispensable to proceed to the measurement of the amount which, according as the vessel is a steamer or sailing-ship, it is proper to deduct from the total tonnage to obtain the *net*, in accordance with the provisions of the rule enforced in Spain.

This condition complied with, the Government of His Majesty is willing to stipulate with that of the United States for the reciprocal recognition of the measurement proposed by your legation on the 30th of June, 1876, first duly calling the attention of your excellency to the circumstance that as all the certificates of measurement issued by the Spanish authorities since the 1st January, 1876, set forth the total tonnage of the vessel, it is proper that the Treasury Department at Washington instruct its officers that the said circumstance exempts Spanish vessels from measurement in the ports of the United States, if they are furnished with the document issued since the date mentioned, in order to avoid any interpretation to which the last article but one of the circular of the United States Treasury Department of 11th of July, 1876, might give rise.

I avail, &amp;c.,

MANUEL SILVELA.

[Inclosure 2 in No. 25.]

*Mr. Lowell to Mr. Silvela.*

LEGATION OF THE UNITED STATES,

*Madrid, November 8, 1877.*

EXCELLENCY: I have the honor to acknowledge the reception of your excellency's note of the 2d instant communicating the conclusion arrived at by his excellency the minister of marine, respecting the admeasurement of vessels.

As I understand this to be the practical adoption of the "Moorsoom" system, as proposed by my government, I shall take pleasure in forwarding to Washington a copy of your excellency's note, hoping that a difference which has caused so much inconvenience to both nations may be thus finally arranged to the satisfaction of both.

I gladly avail, &c.,

J. R. LOWELL.

No. 449.

*Mr. Evarts to Mr. Lowell.*

No. 27.]

DEPARTMENT OF STATE,

*Washington, November 12, 1877.*

SIR: I transmit herewith, for your information, a copy of a dispatch with its inclosure, received from Mr. Hall, the consul-general of the United States at Havana, in which he shows the enormous disproportion between the tonnage-tax imposed upon American vessels trading with Cuba, and that imposed upon Spanish vessels in ports of the United States, and refers also to the fees charged by Spanish consular officers in the United States, according to the tonnage of the vessel, for the authentication of the papers of American vessels clearing for ports in Spain or her possessions.

It is not desired that you make at present any formal representations or remonstrance in this respect, but that you should familiarize yourself with the subject, which may, at no distant time, be the object of a special instruction to you.

The burden of these excessive and increasing exactions from vessels engaged in foreign trade with the Spanish Antilles is becoming well nigh unbearable to our shippers and merchants; complicated as the question is, by the intricate requirements of the insular customs and the ruinous penalties imposed for slight breaches thereof.

Should you have the opportunity, however, in unofficial friendly conversation with the Spanish minister for foreign affairs, you may incidentally allude to the disproportion between the tonnage-dues paid in the ports of this country and those levied in Cuban ports, amounting to some forty-seven hundred per centum difference in the course of the year, in the case of vessels regularly trading between the two, and you may suggest, casually, that Spain cannot well complain of existing reciprocity in this regard.

I am, &c.,

WM. M. EVARTS.

[Inclosure in No. 27.]

*Mr. Hall to Mr. Seward.*

No. 625.]

UNITED STATES CONSULATE-GENERAL,

*Havana, November 2, 1877.*

SIR: My attention has been called to the subject of the tonnage-tax imposed upon Spanish vessels in the United States, by the accompanying slip from the New York Herald of the 20th, containing a telegram from Madrid of the 19th ultimo.

The author of the telegram evidently knew nothing in regard to the tonnage-tax exacted of American vessels in Cuba, and of the entire disproportion between it and the same tax charged to Spanish vessels in the United States.

There are some 30 small smacks employed in the fish trade between this port and Key West. Of these I have given, in the accompanying inclosure, the names of 12, with their respective register tonnages; their tonnage as per Spanish admeasurement in Cuba; the excess of the latter over the former; the number of voyages made by each during the year 1876; the aggregate amount paid by each to the Havana custom-house for tonnage-dues during the year 1876, and the comparative amount that Spanish vessels of the same tonnage, making the same or a greater number of voyages to the United States, would have to pay there in one year.

The sums paid by these vessels are estimated at the rate of \$1.30 per ton, upon their Spanish admeasurement, for each entrance at the port of Havana, nearly all having cleared in ballast; where any of them have taken away cargo of any kind, they have paid tonnage-tax at the rate of \$1.35 per ton. It may be repeated that the tax is collected upon each entrance, and that the vessels made, during the year referred to, from four to eleven entrances in this port.

The tonnage-tax collected in the United States from Spanish vessels is 30 cents a ton, payable once a year only, although the vessel may make fifty voyages to the United States during the year; while under the Treasury circular of 11th July ultimo, Spanish vessels are admitted to entry upon the tonnage stated in their registers when these express the gross amount.

The aggregate of the sums paid by these eighteen American vessels to the Havana custom-house for tonnage-dues, during the year 1876, was \$3,934.93. The same number of Spanish vessels of the same tonnage, and making an equal or a greater number of voyages to the United States, would have paid there during the same period \$190.80, or \$1 to \$46.83 paid by the American vessels in Cuba.

The aggregate register tonnage of these vessels is 635.92 tons. In the absence of a reciprocal arrangement between the United States and Spain, the Spanish admeasurers of Havana, in readmeasuring these vessels augmented their aggregate tonnage 216.42 tons, or about 34 per cent. over their American tonnage; a gross injustice against which all the remonstrances of this office and of the masters were, at that time, of no avail. At the same time the vessels of Germany, Great Britain, and other countries whose systems of admeasurements are the same as those of the United States, were admitted to entry upon their registers. Thus, had these vessels been under the British or German flag, they would have paid 34 per cent. less in tonnage-dues than were paid by the American vessels.

There is another matter connected with this subject to which I would respectfully call the Department's attention. These vessels upon each clearance at Key West paid to the Spanish consul, in United States currency, the equivalent of \$19 gold at 15 per cent. premium, say \$21.85 United States currency; and the aggregate number of clearances being 147, they consequently paid in the aggregate for Spanish consular service the sum of \$3,211.95 United States currency. I annex to the inclosure two original bills of that officer, one paid by the master of the schooner *In Time*, and the other by the master of the *Alaska*.

Spanish vessels arriving at a port of the United States from a port of Cuba are not required to present any document whatever authenticated by a consular officer of the United States. It is true that they generally carry a bill of health issued by the local board, which is usually presented for authentication to the consul of the United States; but it is a requirement of the Spanish authority here, and not of any authority in any port of the United States; thus, while Spanish vessels are not required to incur any expense for United States consular service, American vessels are subjected to enormous fines if they fail to take from Spanish consular officers in the United States such papers as certified manifests, bills of health, authentications of crew-lists, &c., and for which they pay exorbitant fees.

The Department will notice from the foregoing that although the tonnage-dues paid by American vessels in the ports of Cuba are the same as those paid by Spanish vessels, the disproportion between the charges here and those in the United States is enormous; and that the differential charge of fifty cents a ton, referred to in the *Herald* telegram from Madrid, even if it had become permanent, is in reality insignificant compared with the charges in Cuba.

There are many other difficulties under which our vessels labor in the ports of Cuba, which have been brought to the notice of the Department frequently during the past ten years; the principal one, that of "fines" imposed for trivial and sometimes for mere technical informalities in manifests, is still a source of complaint on the part of our ship-masters.

I have the honor to be, very respectfully, your obedient servant,

HENRY C. HALL,  
Consul-General.

Hon. F. W. SEWARD,  
Assistant Secretary of State, Washington.

[Inclosure to inclosure in No. 27.]

*Statement in regard to the tonnage-tax paid at Havana in one year by American fishing smacks.*

HAVANA, November 2, 1877.

Tabular statement showing the names of 18 American vessels employed in the live fish trade between Havana and Key West; the number of voyages made by each, their tonnage as per register, and the same by Spanish admeasurement; the amount of tonnage-tax paid by each in Havana during the year 1876; and the tax that Spanish vessels of the same tonnage and making the same number of voyages would have paid in the United States during the same period.

Accompanying a slip from the New York Herald of 20th October, 1877, with a telegram from Madrid respecting the tonnage-tax collected from Spanish vessels in the United States.

Accompanying, also, two original bills of consular fees paid by American vessels to the Spanish consul at Key West.

[New York Herald of October 20, 1877.]

**DIFFERENTIAL DUTIES—CHARGE IMPOSED ON SPANISH SHIPS BY THE UNITED STATES—INDIGNANT PROTEST FROM SPAIN—A RECONSIDERATION SOUGHT BY THE MADRID GOVERNMENT.**

[By cable to the Herald.]

MADRID, October 19, 1877.

The news of the enormous differential charge of 50 cents per ton imposed by the United States in September upon Spanish vessels trading in American waters was received here a few days ago, and was confirmed yesterday. Its publication in the Madrid papers has brought forth expressions of deep resentment on all sides, more especially among the mercantile classes, whose interests are more or less affected by the change. All the papers devote editorials to the subject, and their criticisms are of the sharpest possible kind.

**SURPRISE IN MADRID.**

The reason of the measure is unknown here, and as no warning or explanation had been given either to the Spanish Government or the Spanish minister at Washington, it has taken every one completely by surprise. The relations between the two governments were never of a more friendly character, and the Madrid Government are most anxious that the friendly spirit should be maintained.

**AT A LOSS WHAT TO DO.**

They are at present in considerable embarrassment as to the best course to adopt in order to meet this unexpected difficulty, as public opinion will be opposed to any appearance of yielding to what is here considered as a gross injustice. The government will make every effort in their power to induce the United States Government to reconsider the action taken.

**PROBABLE RETALIATORY CHARGES.**

This differential charge will have the effect of ruining Spanish ship-owners if continued for any length of time. Unless the Washington Government withdraws the measure the Spanish Government will be compelled by the outcry among mercantile classes and in the press to impose a retaliatory charge, which would exclude American bottoms from the Cuban trade and lead to the indefinite postponement of the commercial treaty.

*American schooner In Time, 22d June, 1877, to Spanish consulate, Dr.*

Per two certified manifest .....	15
To one bill of health .....	4
	19
Premium on gold .....	2.8
	21.8
Received payment.	

J. J. DE EMPERANZA.

Spanish Consul.

Digitized by Google

*American schooner Alaska, 8th July, 1877, to Spanish consulate, Dr.*

Per two certified manifest .....	\$15
To one bill of health .....	4
	19
Premium on gold .....	2.
	21.
Received payment.	

**J. J. DE EMPERANZA,**  
*Spanish Consul.*

Names of vessels.	United States registered tonnage.	Spanish admeasurement tonnage.	Excess of Spanish tonnage over the American tonnage.	Number of voyages from Key West to Havana during the year 1876.	Amount of tonnage-tax paid by each vessel to the Havana custom-house during the year 1876.	Amounts that Spanish vessels of the same tonnage and making the same number of voyages would have paid in the United States in same year.
Rustless .....	24.46	36.16	11.70	8	\$376 06	\$7 34
Florida .....	35.95	47.09	11.14	7	428 52	10 73
Danmless .....	37.01	36.16	.85	9	423 07	11 10
Relief .....	32.43	34.93	2.50	7	318 32	9 74
Rio .....	48.65	72.49	23.84	4	376 95	14 80
Grover G. King .....	31.86	41.01	9.65	9	479 82	9 41
In Time .....	36.44	47.84	11.40	10	621 92	10 81
Sea Bird .....	27.80	51.10	23.30	9	597 87	8 34
Mazeppa .....	30.25	39.20	8.95	9	458 64	9 68
Antarctic .....	24.86	32.75	7.89	7	289 02	7 46
Mary Matilda .....	30.00	41.90	11.90	8	435 76	9 09
George Storrs .....	36.05	49.06	13.01	7	454 63	10 11
Eliza L. Rogers .....	31.35	47.37	16.02	11	677 39	9 40
Daniel Comstock .....	38.92	53.39	14.47	9	624 06	11 65
California .....	38.84	47.54	8.70	9	556 21	13 80
Walter Bradford .....	46.24	59.77	13.53	8	611 61	14 67
Emma L. Lowe .....	48.90	70.84	21.94	7	644 64	14 67
Alaska .....	36.41	42.85	6.44	9	559 64	10 92
Aggregate .....	635.92	852.35	216.43	147	8,934 93	190 80

From the foregoing statement it will be seen that 18 American fishing smacks, plying between Key West and Havana, paid into the Havana custom-house during the year 1876 the sum of \$8,934.93 gold, while the same number of Spanish vessels of the same tonnage, making the same number of trips to the United States, would have had to pay during the same period \$190.80; in other words, where a Spanish vessel would have had to pay \$1 in tonnage-tax to the United States, the American vessels above named have paid into the Cuban Treasury \$46.83. These vessels being subject to readmeasurement in Cuba have had their tonnage augmented to an average of 34 per cent. over their register tonnage.

No. 450.

*Mr. Evarts to Mr. Lowell.*

No. 28.]

DEPARTMENT OF STATE,  
Washington, November 12, 1877.

SIR: In the dispatch from Mr. Hall, the United States consul-general at Havana, of which a copy accompanies my No. 27, of this date, reference is made to the Spanish system of readmeasurement by local officers of vessels bearing American registers, which is shown during a given year the past year to have resulted in assigning to certain

American vessels a tonnage some 34 per cent. in excess of that ascertained in the United States. It is not unlikely that the same discrepancy may occur to a greater or less extent in other instances where officers of the Spanish service readmeasure American vessels for the purpose of assessing tonnage-taxes thereon, notwithstanding the proven identity of the system of admeasurement prescribed by the laws of the two countries, in common with England, Germany, and other nations, and which is known as the Moorsom system.

The difficulty, so far as Cuba is concerned, is believed to have been already remedied by a royal order of the ministry of ultramar, of the 30th of July last, admitting vessels of the United States into the ports of the island without readmeasurement, on exhibition of their national register, or "*certificados de argues*," which shall be taken to set forth their true tonnage for the purposes of assessing taxation. It is stated in that royal order that the measure is adopted provisionally in consideration of the good desires of the American Government toward that of Spain in the matter until the pending negotiation for the reciprocal admission of tonnage certificates between the two countries shall be settled.

The friendly disposition of the Spanish Government in this matter, and its action in regard to American shipping in Cuban ports, is appreciated, and it is hoped that the Government of His Majesty may speedily concur in the adoption of the general measure providing for the reciprocal admission of tonnage certificates, to which this government gave its official consent more than a year ago, and which is so much needed in the interest of the commercial intercourse between the two countries.

I am, &c.,

WM. M. EVARTS.

---

No. 451.

*Mr. Erarts to Mr. Lowell.*

No. 30.]

DEPARTMENT OF STATE,

Washington, November 13, 1877.

SIR: On the 5th of June last my attention was arrested by an item of news which appeared in the public papers of the day, to the effect that, some days previous to that announcement, the *Ellen Rizpah*, an American whaling schooner, of Provincetown, Mass., and commanded by Capt. John A. Dunham, while engaged on a whaling voyage in the Caribbean Sea, and when off the South Keys, near the island of Cuba, had been overhauled by a Spanish cruising-boat, the master and mate made prisoners, and besides being detained four days, at great inconvenience to the interests of the vessel and her owners, they, the master and mate, were subjected to very gross and apparently wanton outrages at the hands of the Spanish officers in charge of this armed cruiser.

Not permitting myself to believe that the officers of a nation between which and the United States the most peaceful and friendly relations have so long existed could have suffered themselves to become the instruments of a proceeding so wholly unjustifiable, I immediately caused inquiry to be made through the proper officers of this government, and the result of these inquiries, I regret to say, showed that the announcements of the newspapers, so far from either misstating or exaggerating the occurrence, had fallen greatly short of what the facts warranted as to the true characterization of the affair.



I inclose herewith a copy of the sworn statement of the master, John A. Dunham, and the first officer, Benjamin J. Smith. It will be seen from this statement that the *Ellen Rizpah* was brought to by a blank cartridge fired from the Spanish boat, and that upon the American captain hoisting his national colors the cruiser immediately charged his gun with solid shot and ranged across the schooner's stern, bringing his armed vessel within easy range of the unarmed and defenseless whaler; that the master of the *Ellen Rizpah* was compelled at the cannon's mouth to leave his own vessel and go on board the Spanish boat; that he was there kept a prisoner, under armed guards, for four days; that he was exposed during much of this time to very inclement weather, in wet clothing, and was not permitted to visit his own vessel to obtain either food or a change of clothing, although that vessel was within easy reach, and kept during the whole time under the guns of her captor; and that, although he offered in the frankest manner to give full explanation of the business in which his vessel was engaged, and to exhibit his ship's papers, the Spanish officer refused to hear these explanations and declined to look at his papers; and that only upon the arrival on the scene of a Spanish steamer at the end of four days was he vouchsafed an inspection of his papers, and then rudely told to go about his business; that even after this, when he attempted to engage in the ordinary and legitimate pursuit of his voyage, and to capture some whales that were in sight, he was again chased for a distance of 20 miles by another armed Spanish cruiser of similar character to that of the one by which he was first molested; nor must the fact be overlooked that when the schooner was first overhauled by the Spanish boat she was at sea, at a distance of at least twenty miles from the shores of the island of Cuba. It would be difficult, by the use of any ordinary language which might be employed to characterize it, to add to the stigma which a mere recital of the facts imparts to this transaction.

The immediate consequences resulting to the master, crew, and owners of the vessel, was the breaking up of the voyage and consequent loss of the hard-earned rewards which might naturally be expected from the peaceful, but at the same time hazardous, enterprise of a whale-fishing voyage. The pecuniary loss is estimated by the master and owners at \$5,000, which sum they claim as indemnity; and, from an examination of the facts and circumstances, this amount appears to the Department to be reasonable and moderate.

The surprise, however, occasioned by the affair of the *Ellen Rizpah* had scarcely ceased, when a similar occurrence, in the same waters, was brought to the attention of the Department.

The *Rising Sun*, a whaling-schooner of 69 tons burden, is also an American vessel, owned in Provincetown, Mass. She sailed from that port on the 1st of March last, duly equipped for a whaling-voyage, and under the command of Thomas S. Taylor. On the 23d of May following, in the regular pursuit of her voyage, the vessel in question arrived off the South Keys of Cuba; when at least 3 miles from the Keys (which are uninhabited and destitute of vegetation), and about 20 miles from the coast of Cuba, her two boats, one commanded by Captain Taylor and the other by his mate, Mr. John W. Atkins, being out in pursuit of whales, and distant from the schooner about 3 or 4 miles, and visibly engaged in the capture of whales, were fired at from a small Spanish guard-boat, schooner-rigged, and distant from them only a mile.

The firing was from a rifled cannon, the first shot being a blank cartridge, and being immediately followed by two rounds with solid shots, the Spanish boat being between the whale-boats and the schooner to

which they belonged. The captain steered for his vessel, leaving the mate, Atkins, to secure a whale which they were just in the act of capturing at the moment they were fired upon. The Spanish boat now bore down on Captain Taylor, and when within shot range fired into his boat three volleys from small-arms. Captain Taylor's steersman, who spoke Portuguese, was able to understand Spanish sufficiently to apprise Captain Taylor of what was said on board the guard-boat. They said, at first, that they were going to take the schooner and sink her. Captain Taylor was ordered on board the cruiser, and upon his obeying that order, he found the Spanish vessel, although a very small craft, manned with a crew of 12. These, he states, were not in uniform, and upon Captain Taylor's inquiring what they intended to do, he was answered that he would be detained until a gunboat should come along from Cuba to *search his vessel and examine his papers*.

The American captain was detained about an hour and a half, and was then only permitted to return to his vessel on the condition that his mate, Atkins, should come on board the Spanish vessel. The mate was detained five days, without change of clothing, although he came on board in his wet whaling suit. Neither the captain nor any of the crew of his own vessel were permitted to visit him during the whole time of his detention. The schooner during these five days remained in the neighborhood, and when, on the fifth day, the looked-for gunboat arrived, an officer from that vessel came on board the *Rising Sun*, examined the ship's papers, and called the men aft to answer to their names. Captain Taylor asked the officer why his vessel was detained, and received for answer, in English: "There are a good many scamps in the world, and we don't know whom to trust." During all these proceedings the American colors were flying on the *Rising Sun*.

In consequence of this seizure and detention Captain Taylor's voyage was broken up, and he estimates the pecuniary loss to himself and the owners of the vessel at \$6,000. The mate, Mr. Atkins, from the harsh treatment and exposure to which he was subjected while on board the Spanish gunboat, suffered severely in health. He has not yet recovered, and is even alarmed by his condition as to ultimate recovery. He claims \$2,500 as pecuniary compensation for the personal injuries and losses thus entailed upon him.

Still another case of no less aggravated character remains to be enumerated. The whaling-schooner *Edward Lee*, also of Provincetown, cruising after whales in the same neighborhood in March last, was—the master, Captain Atkins, writes his owners—chased by a Spanish gunboat and fired into, at first with solid shot, then with grape, and finally with shell. Fortunately, being a fast sailer, his vessel escaped without being struck, but was driven out of those waters, and his peaceful and legitimate pursuit rudely interfered with. The particulars of this assault upon the *Edward Lee* have not yet reached this Department, as the vessel is now said to be in South American waters. Proper measures have, however, been adopted to obtain verified statements of the occurrence, so soon as the master of the vessel can be directly communicated with by the owners, or by the proper officers of the Treasury Department.

Sensible of the cordial and uninterrupted friendship which has so long existed between the United States and Spain, this government did not permit itself to believe for a moment that these unfriendly proceedings on the part of the colonial officers of His Catholic Majesty would find any shelter in the sanction or approval of the home government; hence it was with unmixed satisfaction that the Department received

through Señor Mantilla, the distinguished representative of the Spanish Government at this capital, the assurances of His Majesty's Government that these acts of the subordinate officials connected with the service of the colonial government met with its unqualified disapprobation; that pecuniary compensation would be promptly made to the citizens of the United States who were the immediate sufferers from them, so soon as the amount of their losses in that regard could be reasonably and approximately ascertained, and that measures would be adopted by the Spanish Government to prevent a recurrence in the future of like unfriendly acts, so detrimental to the peaceful commercial pursuits of the citizens of this country, and so dangerous to the peace of both nations.

These assurances were received in the same frank and cordial spirit in which they were given, and the then acting Secretary of State, Mr. Seward, gave expression to the sentiment of the President no less than to my own, when he represented to Señor Mantilla the earnest desire of this government for a continuance, and, if possible, a still closer cementing of those happily existing friendly relations between the United States and Spain. The frequent recurrence of late, of these unfriendly, and, as they must be considered by this government, clearly unwarrantable, visitations from the armed vessels of the Spanish naval force to the unarmed merchant vessels of the United States, has nevertheless caused the President much anxiety for the consequences which may, at any moment, and must sooner or later if continued, result to the peace of the two nations, unless the most energetic and effective measures are speedily adopted and put in force to prevent a possible recurrence of such incidents as I have, with every feeling but that of pleasure, felt obliged to bring thus plainly to the notice of the Spanish Government.

It will not do to urge the maritime jurisdiction of Spain at a distance of 20 miles or more from the shores of Cuba, especially in the Antilles, where a glance at the map shows the territorial possessions of four different sovereign nations, some of them scarcely more than twice 20 miles distant from each other, and the southern limit of this Republic barely 60 miles distant from the shores of the Spanish colony of Cuba.

The government of His Catholic Majesty cannot, moreover, be insensible to the fact that in this republic, where the popular will has so large a share in the governmental affairs of the nation, its citizens are more than ordinarily jealous of the maintenance of their national dignity, more sensitive to anything that may have even the appearance of an insult to their country's flag, than they are regardful of personal injury or pecuniary loss, and that a continuance, or even a single repetition of such surveillance over their commercial industries and pursuits as these recent occurrences in Cuban waters, might tax their forbearance to a degree which would render its control difficult even to their own government.

Still further, it is a fact, however much to be regretted, that this government has been more than once called upon to notice in the interest of its citizens that the Spanish authorities in Cuba are not unfrequently disregarding of the expressed wishes of the supreme government at Madrid, when those wishes come in conflict with their local prejudices or supposed local interests.

The President, therefore, directs me to instruct you that, in bringing the subject of this dispatch to the notice of the minister for foreign affairs of Spain, you will be careful to express to the minister the President's earnest desire that such measures shall be early adopted by the Spanish Government, and at the same time means provided for their enforcement, as will at once put an end to these causes of complaint on

the part of citizens of the United States so exasperating in themselves, and at the same time so hazardous to the continuance of the friendly relations of the two nations.

An earnest and faithful observance of the stipulations of the eighteenth article of the treaty of 1795 would no doubt fulfill these requirements, but such observance, to be effectual for the accomplishment of the object intended, must be real and substantial, and, if necessary, be enforced by each government on its own citizens and officers.

Experience has too often already shown that an interpretation of its obligations cannot always with safety be committed to subordinate officials of the Spanish Government in Cuba.

You will, therefore, embrace the earliest opportunity of bringing this subject to the notice of the Spanish Government, at the same time assuring the minister for foreign affairs that the speedy adjustment of the claims for indemnity now presented on behalf of the masters and owner of the two vessels, *Ellen Rizpah* and *Rising Sun*, and above all the speedy inauguration of the prevention and precautionary measures indicated in this instruction, will at once serve to allay apprehensions, excited to an unusual degree by these recent occurrences among a large class of the citizens of the United States directly and indirectly engaged in the whale fishery, and to meet at the same time the just expectations of the President that no proper efforts of the Spanish Government will be spared to prevent all future cause of complaint from these sources.

You are at liberty, in case you shall deem that course most desirable, to read this instruction to Señor Silvela, His Majesty's minister for foreign affairs, and if he shall desire it, to furnish him with a copy.

I am, &c.,

WM. M. EVARTS.

No. 452.

*Mr. Lowell to Mr. Evarts.*

No. 42.]

LEGATION OF THE UNITED STATES,

*Madrid, December 13, 1877. (Received January 15, 1878.)*

SIR: Yesterday the diplomatic body received official communication of the intended marriage of the King with his cousin, the Princess Mercedes, daughter of the Duke of Montpensier. Thus the famous Spanish marriages of thirty years ago, which helped to dethrone Louis Philippe, have borne fruit at last, and one of his grandchildren will share, though she cannot occupy, the throne of Spain. The result is not precisely what was intended, but comes nearer to being so than mortal plans or prophecies commonly do.

The King is very intelligent and performs all his ceremonial functions with grace. The Princess is good-looking, of suitable age, and has been well and sensibly brought up. The match is said by those best entitled to know, to be one of affection on both sides, and so seldom does love contrive to win his way into a palace under any disguise that I am quite ready to believe that he has managed it at last. Malice, no doubt, would continue to find ground in this case also for some suspicion of dynastic arrangement, based on the hope of an Orleanist restoration in France by the management of the Duke of Broglie. It is so hard, however, to make out the truth of history, even after it has been written with seeming clearness in events, that it is hardly worth while attempting to divine

the precise bearing and significance of such parts of it as do not contrive to get written at all. If any such hope conduced to the present matrimonial arrangement, it has been apparently baffled by the admirable self-restraint of the French people. It would certainly have been a very natural and even praiseworthy hope, if ever entertained, from a Spanish point of view, but that it had any influence at all in the affair is nothing more than a surmise that has sometimes suggested itself to my mind during the last few months. At any rate, it is a truce, not a peace, that has been arrived at in France, and that as the result rather of a drawn battle than of a victory.

The royal wedding is to take place on the 23d of next month with as much as possible of traditional Spanish ceremony and modes of public rejoicing. Meanwhile, as a natural preliminary, the price of everything has doubled in Madrid, and the city is reckoning, in what is generally called by Europeans a very American spirit, on the profit to be made out of the strangers who will be tempted into its net.

Before this reaches you, you will doubtless have received an official communication through the Spanish minister at Washington.

I have, &c.,

J. R. LOWELL.

No. 453.

*Mr. Seward to Mr. Lowell.*

No. 44.]

DEPARTMENT OF STATE,  
Washington, December 17, 1877.

SIR: The contents of your dispatch No. 25 respecting the admeasurement of vessels having been communicated to the Secretary of the Treasury, that officer has addressed this Department with reference to the matter in terms which I quote below:

The case stands as follows: The government of Spain, having adopted the Moorsom system, provided her vessels with documents, showing that they had been admeasured under that system. Spain was, therefore, added to the list of countries mentioned in article 137 of the Revised Customs Regulations of 1874, and the proper instructions were issued to collectors of our ports by circular No. 92, dated July 11, 1877, under which they were to accept such Spanish registers and recognize the tonnage therein expressed. But the article cited requires, and the circular required, that if the Spanish law exempts any part of a vessel not exempt by our laws, as, generally, the laws of other foreign countries do, such parts of Spanish vessels were to be admeasured and added to the tonnage expressed in the register. This is the practice of all our ports in the case of all nations which have adopted the Moorsom system; and presuming that there are parts of vessels exempted by the laws of Spain from admeasurement, which our laws require to be admeasured, this department sees no good reason to make an exception to that practice in favor of Spain.

If, however, it should appear that the papers of Spanish vessels show that the entire vessel is admeasured under Spanish laws, and that the tonnage they express is the total of an admeasurement of every part, there would be no need to admeasure any part, because none would be omitted. And in that case there would be no cause for modifying either the instructions to collectors or the regulations, as on the production of evidence of such admeasurement to the proper customs officer he would accept a Spanish document as indicating the true tonnage of a vessel of that country.

You will please bring the substance of this communication from the Secretary of the Treasury to the attention of His Majesty's government.

I inclose two copies of the circular of the Treasury Department of the 11th of July last referred to.

I am, &c.,

F. W. SEWARD,  
Acting Secretary.

No. 454.

*Mr. Lowell to Mr. Evarts.*

No. 47.]

LEGATION OF THE UNITED STATES,

*Madrid, December 27, 1877. (Received January 15, 1878.)*

SIR: So soon as possible after the reception of your instructions Nos. 30 and 33, I presented to Mr. Silvela the case of the three American whaling schooners, the *Ellen Rizpah*, the *Rising Sun*, and the *Edward Lee*. A copy of my note upon the subject is hereto annexed.

As yet I have received no formal reply from Mr. Silvela, but in an interview with him yesterday he informed me that the matter should receive speedy attention, but that his government naturally wished to hear the counter-statement of the commanders of the Spanish *guardacostas*, and also to make inquiry as to the fairness of the damages claimed, before proceeding to a settlement; that the illness of the minister of ultramar (whose department they especially concerned) had prevented his bringing them before the cabinet, which, however, he expected to be able to do at a council which sits this morning.

In a previous interview, I informed Mr. Silvela, in accordance with your directions, that, should he so desire, I would furnish him with a copy of your instruction on the subject. He replied that he should be pleased to receive it, and I accordingly supplied him with a copy.

I have, &amp;c.,

J. R. LOWELL.

[Inclosure in No. 47.]

*Mr. Lowell to Mr. Silvela.*

LEGATION OF THE UNITED STATES,

*Madrid, December 7, 1877.*

EXCELLENCY: I have received instructions to call your excellency's immediate and earnest attention to the three cases of what I am sure your excellency will agree with me in considering wanton and unwarrantable outrages inflicted by Spanish guard-boats upon three American whaling schooners while engaged in the peaceful and legitimate exercise of their calling in the neighborhood of the island of Cuba.

Nothing can be further from the intention of the President, sincerely desirous of maintaining and confirming the friendly relations between the United States and Spain, than to attribute to His Catholic Majesty's Government any connivance in such lawless (I might well say belligerent) proceedings, or the most qualified approval of them. His excellency Señor Mantilla, who so worthily represents the interests of Spain at Washington, when the matter was brought to his knowledge at once gave the most ample assurances that the Government of His Catholic Majesty heartily disapproved and disavowed, and was ready to make instant compensation for, the violent proceedings to which I am directed to call your excellency's attention.

I am instructed to communicate to your excellency the satisfaction of the President at these friendly assurances, but at the same time to express his serious anxiety as to the effect of such outrages upon the public opinion of a nation especially sensitive to the sacredness of its flag, to the protection which it should afford, and to the international rights which it covers. It is not without reason, then, that he looks upon repeated occurrences of this kind as of peculiar gravity in their bearing upon those friendly relations between the United States and Spain which are equally for the interest of both countries.

Unhappily, no disavowal on the part of His Catholic Majesty's Government, however acceptable in itself, can altogether efface the painful impression made upon the public mind by such arbitrary and unlawful proceedings on the part of subordinate officials in the service of Spain, and it is not now for the first time that the culpable indifference of such officials in the island of Cuba to the orders of the imperial government has been made the subject of remonstrance.

I now proceed to lay before your excellency, in brief detail, the case in question:

Toward the end of May last the schooner *Ellen Rizpah*, of Newburyport, Mass.,

engaged in the pursuit of whales, at a distance of 20 miles from the shores of Cuba, was brought to by a blank cartridge from a Spanish *guarda-costa*. On the Ellen Rizpah hoisting her colors, the guard-boat, having first reloaded her gun with ball, drew up under her stern within short range, and ordered her captain to come on board. This order he was forced to obey, and he was kept prisoner on board the *guarda-costa* for four days, exposed in wet clothing to all the inclemencies of the weather, and roughly denied permission, which he repeatedly asked, to have clothes and food sent him from his own vessel. His offer to show his papers was rejected. At the end of the four days a Spanish steamer arrived, his papers were examined, and he was rudely ordered to go about his business. When he attempted to do this, and was preparing for the capture of some whales then in sight, he was again chased by another armed boat for a distance of 20 miles, but, owing to the sailing qualities of his schooner, fortunately escaped a second detention and further outrage. By this violence he was deterred from returning to his fishing ground and his voyage broken up, at a loss to the owners estimated at \$5,000.

Scarcely had the surprise occasioned by the treatment of the Ellen Rizpah had time to subside when another act of the same high-handed character, and if possible worse in its details, was laid before the Secretary of State at Washington. The whaling schooner Rising Sun, of Provincetown, Mass., arrived off the South Keys on the 23d of May last. This is a well known resort for whalers, and two boats from the schooner, one in charge of the captain and the other of the mate, started in pursuit of some whales which they had sighted in the offing. While thus visibly engaged in their legitimate calling, a Spanish *guarda-costa* hove in sight and at once fired a blank cartridge in the direction of the captain's boat, followed immediately by two solid shot. Captain Taylor steered for his vessel, leaving his mate to secure a whale which they had just struck. The *guarda-costa* now bore down, and when within easy range discharged three volleys of small-arms at his boat. The boat-steerer of Captain Taylor, a Portuguese, knew enough Spanish to understand what was said by those on board the *guarda-costa*, who declared that they would take the Rising Sun and sink her.

Captain Taylor was then ordered on board the cruiser, and complying found her, though a very small vessel, manned by a crew of twelve, none of them in uniform. Here he was informed that his schooner would be detained until the arrival of a gunboat, which would search her and examine his papers. The American captain was detained an hour and a half, and then only released on condition that the mate should take his place as hostage. The mate was detained five days without change of clothing, though he had come on board in his wet whaling suit. No one from his own vessel was allowed to visit him.

At the end of five days a gunboat arrived. One of her officers came on board the Rising Sun, examined her papers, and mustered her crew aft to answer to their names. On Captain Taylor's asking why he was thus detained, he was answered in English "that there were a good many scamps in the world, and we don't know whom to trust." During all these proceedings the American flag was flying on the Rising Sun. In consequence of this seizure and detention the voyage of the Rising Sun was broken up, her loss thereby being estimated at \$6,000. The mate, whose health has been seriously and permanently injured by the hardships and exposure to which he was subjected, claims what, under the circumstances, seems the reasonable reparation of \$2,500.

The third case, for I am pained to say there is a third, is that of the whaling schooner Edward Lee, also of Provincetown, Mass. Scarcely arrived on the same cruising ground, this vessel was chased by a Spanish gunboat, and fired at first with solid shot, then with grape, and at last with shell, one of the latter bursting within a few yards of her. A fair wind and fast sailing fortunately carried the Edward Lee beyond cannon-shot. The owners of the Edward Lee think themselves entitled to a compensation of \$6,000.

The Government at Washington, having caused these cases to be examined into with care, is satisfied that the respective claims for damages are equitable and reasonable.

These violent proceedings seem to me, as doubtless they will seem to your excellency, the more inexplicable because the character of the vessels and the nature of their occupation must have been perfectly apparent to anyone so familiar with the sea as the commander even of a *guarda-costa* must be supposed to be. A vessel engaged in whaling announces her character to more senses than one. Her boats, her kettles, her barrels, and the very condition of her decks are in themselves ample evidence of the nature of her occupation.

I cannot too often repeat to your excellency that lamentable occurrences such as these are the raw material out of which the emissaries and allies of the Cuban insurgents in the United States manufacture sympathy for their criminal undertakings, and your excellency is too familiar with the unscrupulousness of party spirit not to be aware that the opposition will in fact upon and exaggerate them in order to cast upon a government which does not emphatically resent them the odium of pusillanimity and want of patriotism. The necessity of in some way appeasing an artificially irritated public

sentiment has within recent memory led to consequences as calamitous as they were contrary to the intentions and expectations of those who, from motives purely selfish, had roused passions which they could not calm.

I am instructed to emphasize strongly the President's hope that immediate and efficient measures will be taken by the Government of His Catholic Majesty to prevent a repetition by subordinates, who have hitherto seemed to be practically irresponsible, of excesses which, more than any others, must tend to embarrass the United States in their sincere efforts to maintain the friendly attitude in which they have thus far stood, and desire always to stand, toward Spain.

Permit me in conclusion to express my earnest hope that your excellency, sensible, as I am sure you will be, of the entire justice of these claims and desirous as you have always shown yourself to allay the well founded solicitude of a friendly government, will take immediate steps toward making good the cordial assurances of his excellency Señor Mantilla.

I gladly avail, &c.,

J. R. LOWELL.

No. 455.

*Mr. Evarts to Mr. Lowell.*

No. 51.]

DEPARTMENT OF STATE,  
Washington, January 22, 1878.

SIR: Your dispatch No. 41, of the 6th ultimo, has been received.

The Department learns with sincere regret that the minister for foreign affairs of Spain has expressed disappointment at the tone of the President's message with regard to Spanish affairs, the more so, because the brief allusion to that country, in the message, so far from being inspired by any unfriendly feeling towards Spain, was intended to express regret that anything should occur which might for a moment endanger the good relations which happily exist between the two countries, and which the President desires may be maintained. With regard to the remark made by Mr. Silvela respecting the absence in the message of an acknowledgment of the promptitude on the part of Spain in paying the awards of the commission, I beg to refer you, as a proof that the action of the Spanish Government in that particular was not unappreciated by this government, to the instruction, No. 537, addressed to Mr. Adee on the 24th of April last, which, after expressing gratification at the satisfactory conclusion of the matter, by Mr. Cushing, concludes as follows: "It is also gratifying to recognize the honorable spirit which has animated the government of Spain in the same transaction."

You are requested to read this communication to Mr. Silvela, and to leave a copy thereof with him, should he so desire.

I am, &c.,

WM. M. EVARTS.

No. 456.

*Mr. Lowell to Mr. Evarts.*

No. 63.]

LEGATION OF THE UNITED STATES,  
Madrid, February 1, 1878. (Received February 21.)

SIR: Referring to my dispatch No. 47, I have now the honor to transmit herewith a copy and translation of Mr. Silvela's note in answer to mine of the 7th December last, in relation to the whaling schooners Ellen Rizpah, Rising Sun, and Edward Lee.



Not long after receiving my note Mr. Silvela informed me that the Spanish Government had every disposition to satisfy the just demands of the United States, and to do its utmost to prevent the repetition of similar outrages. He told me that he was ready also to admit the claims for damages and to settle them, but that he should feel bound to make some slight diminution in the total amount claimed.

He did not say definitely how great a reduction in the damages he proposed to make, but assured me that I should receive an answer to my note with all dispatch. Under these circumstances I thought it better to await his note with a definite proposal than to trouble you with a report of his statements to me, perhaps before he had quite made up his own mind as to the precise terms of the compromise he proposed to make.

A much longer delay than I expected has intervened, a part of which is possibly due to oversight or negligence in the foreign office here, for though the date of Mr. Silvela's note be the 16th January, it was not received at the legation till eight o'clock last evening.

Even as it is, the Spanish Government has acted with extraordinary promptness in the matter, if I may judge by the experience of my colleagues here; thus giving a further proof of its disposition to maintain friendly relations with the United States.

I at once telegraphed to you the offer of Mr. Silvela and am now awaiting your reply. Had it been my own affair, I should have accepted it at once, on the general principle that claims will bear paring down better than most things, and that \$10,000 divided between the two vessels, even after deducting the claim of the mate of the *Rising Sun*, would probably give to each a quota as large as the average profits on the voyage of a whaling schooner.

You will observe that Mr. Silvela, for the reasons stated in his note, takes exception to the claim of the owners of the *Edward Lee*. But as he leaves the case open to discussion, I have thought it best to await further instruction from Department in regard thereto.

A copy of my note in reply to Mr. Silvela is hereto annexed.

I have, &c.,

J. R. LOWELL.

[Inclosure 1 in No. 63.—Translation.]

*Mr. Silvela to Mr. Lowell.*

MINISTRY OF STATE, *Palace, January 16, 1878.*

EXCELLENCY: I have received the note which your excellency was good enough to address to me, dated the 7th of last month, referring to the detention of three American vessels employed in the whale fishery in the neighborhood of the Keys, near the Island of Cuba, by a Spanish *guarda costa*, on which occurrence, in compliance with the orders of the President of the United States, your excellency expresses confidence that the Government of His Majesty would adopt prompt and efficacious measures to prevent the repetition on the part its subaltern officers of acts which might embarrass the American Republic in its sincere efforts to maintain the friendly attitude which it has taken and desires to maintain in respect to Spain.

The Government of His Catholic Majesty values too highly the good understanding and the cordial sentiments which fortunately exist between Spain and the United States not to be altogether solicitous that Spanish officials in the peninsula and colonies should accommodate all their acts to the laws and instructions of the government, inspired as the latter always are by that spirit of consistent friendliness which for so many years has prevailed in the relations of the two countries.

With this weighty object, so soon as the representative of Spain in Washington in-

formed the government of what had happened to the vessel's *Ellen Rizpah* and *Rising Sun*, near the coast of Cuba, the most energetic orders were sent to the governor-general of that island that, whatever should be the result of the inquiry ordered to be made concerning those occurrences, he should charge his subordinates with the strictest observance of the stipulations in the eighteenth article of the treaty of 1795, in force between Spain and the United States, thus removing just motives for official reclamations and pretexts on the part of enemies of our territorial integrity for exciting political passion in the United States.

The captain-general of Cuba fulfilled the intention of the supreme government by issuing the proper orders on the 17th of July last, and, considering the energy of that zealous and worthy official, the government at Washington may be sure that for the future those orders will be rigorously observed even by the smaller vessels attached to the Cuban navy in respect of suspicious vessels off the coast and within Spanish jurisdictional limits when these vessels prove to be American.

The damages claimed by the masters of the vessels *Ellen Rizpah* and *Rising Sun*, referred to in the note of your excellency, which I have the honor to acknowledge, the Spanish Government finds no difficulty in admitting as a matter of equity and considering its desire to give therein a proof of its friendly feelings toward that of the United States, and is accordingly willing to pay \$10,000 for the two vessels.

If your excellency will be good enough to consider the slight difference between this amount and that which the claimants solicit through your intervention, and if you take into account at the same time the valuation previously set in Washington as to the amount of the damage in question, I venture to hope that the government in Washington will find no difficulty in accepting the sum proposed by that of His Catholic Majesty.

The concurrent circumstances in the case of the *Edward Lee* are so distinct from those of the other two vessels that, with the settlement of these and with the explanations given, the incident of the whalers might well be considered as terminated, leaving out of view the very suspicious circumstance that the owners of the *Edward Lee* kept silence from the middle of March, when what is called the attack occurred, till the end of August, when the reclamations of the *Rizpah* and *Rising Sun* had been already for a long time known, and from whose silence it might well be argued that the damage incurred did not make it worth the while of the captain of the *Edward Lee* to leave his accustomed employment in order to present his complaint in the nearest port before the consular agent of his nation, and that, when he heard of the claims put in by the other two whalers, this served as an incentive to give importance to an incident which has not been thoroughly sifted, and which, even if it were exactly as stated, ought not to be considered as of great importance.

But it plainly appears by the very account of the interested party that the *Edward Lee* was not searched, nor even detained by the Spanish gunboat, and consequently there could be no infraction of the eighteenth article of the treaty, nor was there any chances of the losses which the other whaling captains claim to have sustained by the detention of their respective vessels. Moreover, if the gunboat, which is assumed to be Spanish, fired upon the *Edward Lee*, nobody can deny—and I assume the most favorable hypothesis—the right which she had to do so, both vessels being in Spanish waters and in quarters frequented by suspicious craft, the *Edward Lee* not having hoisted her flag, whose nationality the gunboat of our navy needed to know. With this object, and according to maritime custom, she warned her by means of a blank cartridge only, and not being obeyed, followed with shot. The *Edward Lee*, being a better sailer than our cruiser, took to flight, and succeeded in escaping without being overtaken. It results that the whaler disobeyed and did not declare her nationality, finally escaping without having suffered damage from our gunboat.

As your excellency, even granting for a moment that the version of the American captain should turn out to be true, cannot help acknowledging, there is not the slightest parity between this case and those before cited, nor, accordingly, any reason in support of the claim of the [*Edward Lee*].

Neither, in another respect I think, will your excellency fail to agree with me that it is fitting in the interest of justice and morality that whoever sets up claims of this kind should be made to understand that a simple complaint, or the reporting more or less in detail of an assumed injury, is not enough to warrant their being taken into consideration, much less a favorable judgment, on the indemnity they may claim. Otherwise, contrary to the best wishes and most righteous intentions of the respective governments, a door would be opened to the abuse which both are desirous to repress.

If, contrary to what is probable, facts of a trustworthy character should be produced giving to the question of the *Edward Lee* the legal basis which it now needs, the Government of the United States may be sure that the Government of His Majesty would then examine and discuss it with the same friendly judgment which it has always brought to questions of the same nature which have hitherto arisen between the two governments.

I avail, &c.,

MANUEL SILVELA

[Inclosure 2 in No. 63.]

*Mr. Lowell to Mr. Silvela.*LEGATION OF THE UNITED STATES,  
*Madrid, February 1, 1878.*

EXCELLENCY: I have the honor to acknowledge the reception of the note which your excellency has been good enough to address to me, dated on the 16th of January last, in answer to one of the 7th December from this legation, conveying to your excellency the remonstrances of the United States concerning the unwarrantable treatment of certain American whalers by Spanish *guarda costas*.

I have already transmitted to my government a copy of your excellency's note, and shall have the honor to communicate to your excellency the instructions received in reply so soon as they arrive.

It remains for me only to thank your excellency for another instance of the ready attention which the claims of this legation have always received at your excellency's hands, and to hope that the instructions transmitted by the Government of His Catholic Majesty to the authorities of the island of Cuba will have the desired effect of preventing in future any recurrence of such violent proceedings as cannot fail to awaken the most anxious solicitude of the President of the United States.

I gladly avail, &c.,

J. R. LOWELL.

---

No. 457.

*Mr. Lowell to Mr. Evarts.*

No. 65.]

LEGATION OF THE UNITED STATES,  
*Madrid, February 6, 1878. (Received March 2.)*

SIR: In these days of newspaper enterprise, when everything that happens, ought to happen, or might have happened is reported by telegraph to all quarters of the world, the slow-going dispatch-bag can hardly be expected to bring anything very fresh or interesting in regard to a public ceremonial which, though intended for political effect, had little political significance. The next morning, frames of fire-works are not inspiring, unless to the moralist; and Madrid is already quarreling over the cost and mismanagement of a show, for the tickets to which it was quarreling a week ago.

Yet a few words will not be out of place upon a royal holiday which but yesterday divided the attention of the world with the awful historical tragedy of the East and the momentous social problems which are looming in the West. Nowhere in the world could a spectacle have been presented which recalled so various, so far-reaching, and in some respects so sublime associations, yet rendered depressing by a sense of anachronism, of decay, and of that unreality which is all the sadder for being gorgeous. The Roman amphitheater (*panem et circenses*); the united scutcheons from whose quartering dates the downfall of Saracenic civilization and dominion in Spain; the banners of Lepanto and of the Inquisition fading together into senile oblivion on the walls of the Atocha; the names and titles that recalled the conquest of western empires, or the long defeat whose heroism established the independence of the United Provinces and proved that a confederacy of traders could be heroic; the state coaches, plumed horses, blazing liveries, and running footmen of Louis Quatorze; the partisans of Philip Second's body-guard, the three-cornered hats, white breeches, and long black gaiters of a century ago, mingled pell-mell with the French shakos and red trousers of to-day; the gay or somber costumes from every province of Spain, some recalling the Moor and some the motley mercenaries of Lope de Figueroa; the dense and mostly silent throng which lined for

miles the avenues to the church, crowding the windows with white mantillas, fringing the eaves and ridge-poles, and clustered like swarming bees on every kind of open ground; all of these certainly touched the imagination, but in my case, at least, with a chill as of the dead man's hand that played so large a part in earlier incantations to recall the buried or to delay the inevitable. There was everything to remind one of the past; there was nothing to suggest the future.

And yet I am unjust. There were the young King and his bride, radiant with spirit and hope, rehearsing the idyll which is charming alike to youth and age, and giving pledges, as I hope and believe, of more peaceful and prosperous years to come for a country which has had too much glory and too little good housekeeping. No one familiar with Spanish history, or who has even that superficial knowledge of her national character which is all that a foreigner is capable of acquiring, can expect any sudden or immediate regeneration. The bent of ages is not to be straightened in a day by never so many liberal constitutions nor by the pedantic application of theories drawn from foreign experience, the result of a wholly different past. If the ninety years since the French revolution have taught anything, it has been that institutions grow and cannot be made to order; that they grow out of an actual past, and are not to be conspired out of a conjectural future; that human nature is stronger than any invention of man. How much of this lesson has been learned in Spain it is hard to say; but if the young King apply his really acute intelligence, as those who know him best believe he will, to the conscientious exercise of constitutional powers, and the steady development of parliamentary methods, till party leaders learn that an ounce of patience is worth a pound of passion, Spain may at length count on that duration of tranquillity, the want of which has been the chief obstacle to her material development. Looked at in this light, the pomps of the wedding festival on the 23d of last month may be something more than a mere show. Nor should it be forgotten that here it is not the idea of law, but of power, that is rooted in the consciousness of the people, and that ceremonial is the garment of authority.

Madrid, as you know, being an improvised capital, is not the see of a bishop, and accordingly has no cathedral. The Atocha is a small church, and the ceremony there was necessarily private, thus lacking the popular affluence and the perspective which a building of grander proportions would have given to it. But the splendor of the costumes, especially those of the higher clergy and the heralds-at-arms, which are the same now as five hundred years ago, gave one the feeling that he saw the original scene of some illuminated page in Froissart. I was struck by the great number of times that the phrase *rey catolico de España* was repeated during the wedding service, and with the emphasis which the officiating prelate, the archbishop of Toledo, seemed to lay upon the adjective, the *legal* title of Alfonso XII being *rey constitucional*. I was struck also with the look of genuine happiness in the faces of the royal bride and bridegroom, which strongly confirmed the opinion of those who believe that the match is one of love and not of convenience.

The ceremony over, the King and Queen, preceded by the cabinet ministers, the special ambassadors, and the grandes of Spain, and followed by other personages, all in coaches of state, drove at a foot-pace to the palace, where their Majesties received the congratulations of the court, and afterwards passed in review the garrison of Madrid. By invitation of the president of the council, the foreign legations witnessed the royal procession from the balconies of the presidency. It was a very picturesque spectacle, and yet so comically like a scene from Cinderella

as to have a strong flavor of unreality. It was the Past coming back again, and thus typified one of the chronic maladies of Spain. There was no enthusiasm, nothing more than the curiosity of idleness which would have drawn as great a crowd to gape at the entry of a Japanese ambassador. I heard none of the shouts of which I read in some of the newspapers next day. No inference, however, should be drawn from this as to the popularity or unpopularity of the King. The people of the capital have been promised the millennium too often, and have been too constantly disappointed, to indulge in many illusions. Spain, isolated as in many respects she is, cannot help suffering in sympathy with the commercial depression of the rest of the world, and Spaniards like the rest of mankind look to a change of ministry for a change in the nature of things. The internal policies of the country (even could I understand them, as I am studying to do) do not come directly within my province, but it is safe to say that Spain is lucky in having her ablest recent statesman at the head of affairs, though at the cost of many other private ambitions. That he has to steer according to the prevailing set of the wind is, perhaps, rather the necessity of his position than the fault of his inclination. Whoever has seen the breasts of the peasantry fringed with charms older than Carthage, and relics as old as Rome, and those of the upper classes plastered with decorations, will not expect Spain to become conscious of the nineteenth century and ready to welcome it in a day.

On Thursday there was a grand public reception at the palace, at which 5,000 persons are said to have filed before their Majesties in witness of their loyalty. All the palaces since the *grand siècle* have been more or less tawdry, but that of Madrid has a certain massive dignity, and the throne-room especially has space and height enough to give proper effect to ceremonies of this kind. The young Queen wore her crown for the first time, and performed her new functions with the grace of entire self-possession. The ceremony, naturally somewhat tedious in itself, acquired more interest from the fact that the presence or absence of certain personages was an event of more or less political importance.

In the evening there was a dinner to the special ambassadors and the diplomatic corps, followed by a very crowded reception at the palace of the presidency, at which all of Madrid that has a name seemed to be present. The fine apartments were crowded until half past two in the morning. The street on which the palace stands (the *Alcala*) was so crammed for its whole length with people that the carriages of ministers on their way to the dinner were unable to pass. The mob (and a Madrid mob is no joke) became so threatening that foreign representatives were forced to renounce their privilege of free passage and to reach their dinners in a more roundabout and diplomatic fashion. It is to the credit of their professional ability that all arrived in season. I have seen nothing so characteristic since my arrival as the wild faces, threatening gestures, and frightful imprecations of this jam of human beings, which, reasonably enough, refused to be driven over.

On Friday took place the first bull-fight, at which every inhabitant of Madrid, and all foreigners commorant therein, deemed it a natural right to be present. The latter, indeed, asserted that the logical reason for the existence of legations was to supply their countrymen with tickets to this particular spectacle for nothing. Though I do not share in the belief that the sole use of a foreign minister is to save the cost of a *ralet de place* to people who can perfectly well afford to pay for one, I did all I could to have my countrymen fare as well as the rest of the world. And so they did, if they were willing to buy the tickets, which

were for sale at every corner. The distribution of them had been performed on some principle unheard of out of Spain, and apparently not understood even there, so that everybody was dissatisfied, most of all those who got them.

The day was as disagreeable as the prince of the powers of the air could make it, even with special reference to a festival. A furious and bitterly cold wind discharged volleys of coarse dust, which stung like sleet, in every direction at once, and seemed always to threaten rain or snow, but, unable to make up its mind as to which would be most unpleasant, decided on neither. Yet the broad avenue to the amphitheater was continually blocked by the swarm of vehicles of every shape, size, color, and discomfort that the nightmare of a bankrupt livery-stabler could have invented. All the hospitals and prisons for decayed or condemned carriages seemed to have discharged their inmates for the day, and all found willing victims. And yet all Madrid seemed flocking toward the common magnet on foot also.

I attended officially, as a matter of duty, and escaped early. It was my first bull-fight, and will be my last. To me it was a shocking and brutalizing spectacle, in which all my sympathies were on the side of the bull. As I came out I was nearly ridden down by a mounted guard, owing to my want of any official badge. For the moment I almost wished myself the representative of Liberia. Since this dreadful day the 16,000 spectators who were so happy as to be present have done nothing but blow their noses and cough.

By far the prettiest and most interesting feature of the week of the festival was the dancing in the *plaza de armas*, before the palace, of deputations from all the provinces of Spain in their picturesque costumes. The dances were rather curious than graceful, and it was odd that the only one which we are accustomed to consider pre-eminently Spanish, the *cachu-cha*, was performed by two professional dancers. The rest had, however, a higher interest from their manifest antiquity and almost rudimentary characters. When the dances were over, the deputations were ranged in files, and were passed in review by the King and his guests. One was struck by the general want of beauty, whether of face or form, in both sexes, and by the lowness of stature. But there was great vigor of body, and the hard features had an expression of shrewdness and honesty. By far the prettiest among the women were those from Andalusia.

The same evening (Sunday) the King entertained the special ambassadors and diplomatic body at dinner, and this was followed by a reception. A dinner, where one is planted between two entire strangers, and expected to be entertaining in an alien tongue, will, one may hope, be reckoned to our credit in another world. The reception had one striking and novel feature, and this was the marching past of the Madrid garrison with colored lanterns and torches. It was a spectacle of vivid picturesqueness. Besides these hospitalities there were two performances at the opera, which I did not attend. During the whole week the city was gay with colored hangings by day, and bright with illuminations (some of them very pretty) by night.

At last the natural order of things began again. As on all such occasions, there had been long and constantly heightening expectation, short fruition, and general relief when all was over. Everybody grumbled, everybody could have managed things better, and yet, on the whole, I think everything went off almost better than could have been expected.

I have, &c.,

J. R. LOWELL.

No. 458.

*Mr. Evarts to Mr. Lowell.*

No. 57.]

DEPARTMENT OF STATE,  
*Washington, February 25, 1878.*

SIR: I have to acknowledge the receipt of your dispatch No. 63, of the 1st instant, together with a copy of a note of the 16th ultimo of His Majesty's minister of foreign affairs, announcing that the Spanish Government is willing to pay, on account of damages done in the cases of the American vessels the *Ellen Rizpah* and *Rising Sun* by Spanish *guarda costas*, the sum of \$10,000.

I have to reply that the parties interested have been consulted, and in recognition of the prompt attention given to their claims, and in the expectation of a prompt remittance in satisfaction of the sum which they may expect, the Government of the United States will accept the amount which has been offered.

I am, &amp;c.,

WM. M. EVARTS.

No. 459.

*Mr. Lowell to Mr. Evarts.*

No. 81.]

LEGATION OF THE UNITED STATES,  
*Madrid, April 2, 1878. (Received April 24.)*

SIR: I have the honor to inclose copy and translation of an incident in yesterday's session of the Cortes, which I think may interest you. The interpellation of General Salamanca may either indicate that there is some doubt in the mind of the party to which he belongs as to the complete pacification of Cuba, or that he thought it a good topic about which to ask a question that might be embarrassing to the ministry. The answer of Señor Canovas admits, as you will see, that armed resistance still exists, and seems to imply even more than it admits. But I am not sure that it would be safe to draw any inference from this, as Señor Canovas has, from the first, shown great discretion and reserve with regard to the recent events and Cuba. He has shown no elation, and has prudently forearmed himself and others against the reaction of disappointment which follows exaggeration.

J. R. LOWELL.

[Inclosure in No. 81.—Translation.]

*Interpellation in the Cortes.*[From *La Epoca*, April 2, 1878.]

SEÑOR SALAMANCA Y. NEGRETE: About a year ago I asked for various documents referring to the war in Cuba, which have not been laid before us, nor have I insisted upon their presentation because the war was then obstinate, and because I was told that their presentation might lead to some difficulties.

The war, it is said, is over, and accordingly there is no objection to the furnishing of those documents; for I think that we may now be made acquainted with the capitulation, convention, or whatever it may have been, and of the results obtained, and also a report of the chiefs and armed men who have submitted.

Time enough having now passed, peace being a fact, as it is said, and there being therefore no objection to the discussion of the business, I ask the government to lay

these documents before the chamber, for I think it an undignified position for Congress not to know by this time what to expect in this matter, for the understanding of which, should the government persist in its silence, I shall make a motion in order to bring on a debate.

**PRESIDENT OF COUNCIL (CANOVAS DEL CASTILLO):** The government has brought to this chamber and made known to the country the dispatches on the state of the war which have been sent by the governor-general of that province, and by the general in chief of the army of operations. Congress then knows officially, and the country knows all it can know up to the present time on this point. The government has not yet made any announcement to Congress of a general character, and accordingly it has not announced that the war in Cuba was entirely over.

If General Salamanca will consult the reports he will see that the government has made no such announcement nor anything like it.

The government began by bringing hither the dispatch about the capitulation sent by the general-in-chief of the army of operations; then it read the dispatches in which he announced the forces which, and the leaders who, in fulfillment of the capitulation, had laid down their arms and submitted to the government.

After this, and in consequence of a question of General Salamanca, I had the honor to inform Congress that the suspicions manifested in his first dispatch by the general-in-chief in giving notice that the capitulation was being complied with, had been confirmed, since a colored leader at the head of some forces, wholly or almost wholly composed also of colored people, persisted in rebellion. So I stated in this place about a fortnight ago, and this is the condition in which things still continue.

The leader, Maceo, at the head of his faction, principally composed of people of color, persists in rebellion.

So long as resistance still continues, even though, in the opinion of the distinguished leaders who command the armies of the King in the Island of Cuba, that resistance is insignificant, and will soon disappear; so long as it exists, insignificant and ephemeral though it be, the government cannot consider the war wholly at an end, and cannot consider itself in a position to give an account here of its result, nor to take initiative in a discussion of this nature. Consequently the government will not present, following in this the parliamentary precedents not only of Spain, but of all countries which are governed by the representative system, will not present, I say, any other documents than those which, in its opinion, cannot prejudice the cause of Spain in the Island of Cuba.

**SEÑOR SALAMANCA Y NEGRETE.** After what the president of the council of ministers has said, I cannot now enter upon that discussion, nor do I propose to do it; but I shall call it up at the proper time, taking all the responsibility which the honorable gentleman wishes to lay upon me, and which I accept with pleasure.

**SEÑOR CANOVAS DEL CASTILLO.** As respects the first and principal part of this incidental debate, I must begin by saying to Señor Salamanca that I do nothing new and nothing personal in wishing that gentleman to take upon himself the responsibility of a debate which the government deems inopportune. \* \* \* For the rest, the government, in fact, knows concerning the internal condition of the island of Cuba, concerning the preliminaries of capitulation, and concerning other points, more than it has hitherto had occasion to lay before the members of this chamber. But this is not what I said before; I did not say that the government had not more information on this than it had communicated to Congress, for, if that were the case, I should not have had occasion to suggest what I have suggested in respect of this discussion. I said only that, with regard to the external actual state of the war, Congress knows as much as the government, because, in this particular, there is no room for any kind of secrecy. Concerning what preceded the capitulation, concerning the capitulation itself, concerning what the government expects after the capitulation, concerning what it believes will result from the capitulation, concerning the possible length of the war, concerning the reasons the government has for hoping what it may hope and for fearing what it may fear, the government has its own knowledge and thinks it inopportune, at present, to enter into discussion. But concerning the fact of the forces which have submitted, concerning what remains to be done in the way of pacification, the government has no kind of secret. It is a question of fact, and concerning this fact, public, tangible, known to everybody, even the very inhabitants of Cuba, the government has had and will have no objection to telling this chamber what it knows, and has told what it knows; that is, that a vast majority of those in insurrection having laid down their arms, that what filled the place of a government, what had a distinct organization, what had a certain character of power opposed to power, having disappeared, there remains only a faction composed of men of color, under the orders of a colored leader, which, as the general-in-chief said in his first dispatch and I repeated a fortnight ago, continues in arms and maintains the insurrection, though reduced to its natural limits.



This is a question which loses nothing—absolutely nothing—by being deferred, because the capitulation once offered by the general-in-chief of the Spanish army to the rebels, the conduct of the general-in-chief once accepted and approved by the government, there remains and can remain only a question of responsibility.

---

No. 460.

*Mr. Reed to Mr. Exarts.*

No. 4.]

LEGATION OF THE UNITED STATES,  
*Madrid, April 18, 1878. (Received May 9.)*

SIR: On the reception of your instruction No. 57, authorizing Mr. Lowell to accept the sum of \$10,000 offered by the Spanish Government as compensation for injuries inflicted by Spanish *guarda costas* on the American whaling schooners *Ellen Rizpah* and *Rising Sun*, he at once addressed a note to that effect to the minister of state. I have the honor to inclose a copy of the note, from which you will perceive that Mr. Lowell suggested that payment be made in a draft on London, as in the case of the Cuban claims award. It seems, however, from the interviews which he afterward had with Mr. Silvela, that it was not convenient for the Spanish Government to comply with his suggestion, but preferred to give a draft on Barcelona for the amount. Mr. Lowell answered that this arrangement would be perfectly satisfactory to him, provided such draft would insure \$10,000 in London. For some reason not known to the legation this proposition was not carried out, and on Mr. Lowell again inviting Mr. Silvela's attention to the matter, he was informed that it had been decided in the council of ministers to pay the indemnity in gold, out of the central treasury of the island of Cuba, through Mr. Mantilla, at Washington, in a draft payable to your order.

Accordingly, last evening I received a note from Mr. Silvela, a copy and translation of which is hereto annexed, furnishing me with the text of a communication addressed by the minister of ultramar, under date of the 13th instant, to the governor-general of the island of Cuba, giving the necessary order to carry out the directions of the council of ministers above referred to. A copy of my note in reply is also hereto annexed.

I beg to add that the delay which has occurred in the arranging for payment of the indemnity has not been the fault of the legation. On the contrary, Mr. Lowell never failed to mention in his interviews with Mr. Silvela the conditions on which the United States accepted the offer of Spain. But taking into consideration the present crippled state of the Spanish finances, and the fact that both Mr. Silvela and the minister of ultramar have been in daily attendance upon the sessions of the Cortes—thus in a great measure preventing them from attending to other matters in connection with their respective departments—I think I am justified in saying that the matter has been arranged in as short a time as could reasonably be expected.

I have, &c.,

DWIGHT T. REED.

---

[Inclosure 1 in No. 4.]

*Mr. Lowell to Mr. Silvela.*

LEGATION OF THE UNITED STATES,  
*Madrid, March 14, 1878.*

EXCELLENCY: Referring to the note which Your Excellency was pleased to address to me on the 16th January last, I have now the honor to inform you that I have re-

ceived instructions to accept the sum of \$10,000, or £2,054 17s. 3½d., in compensation for injuries inflicted by Spanish gunboats on the American whalers *Ellen Rizpah* and *Rising Sun*, provided payment be made so soon as conveniently possible. As I took the liberty of suggesting to Your Excellency at our last interview, I should be glad to have the payment made as before, in a draft on London.

In communicating this to Your Excellency, I beg to thank you for the honorable readiness shown by the Government of His Catholic Majesty to acknowledge and make compensation for the faults of its subordinate officers, a readiness which I have always had the pleasure of recognizing in my official dealings with Your Excellency.

I avail myself of this occasion to renew to Your Excellency the assurances of my most distinguished consideration, &c.

J. R. LOWELL.

[Inclosure 2 in No. 4.—Translation.]

*Mr. Silvela to Mr. Reed.*

MINISTRY OF STATE, *Palace, April 16, 1878.*

MY DEAR SIR: I have the honor to inform you that my colleague of ultramar has addressed, under date of the 13th instant, to the Governor General of the Island of Cuba the following communication:

"The indemnification to North American citizens, to the amount of \$10,000, having been agreed upon by the Council of Ministers for the detention in Cuban waters of the whaling barks *Ellen Rizpah* and *Rising Sun*, and said indemnification having been accepted by the minister of the United States at this court in the name of his government, His Majesty the King, whom God preserve, has been pleased to order that the said indemnification be paid in gold by the central treasury of that island, through a draft to the order of the Minister of Foreign Relations of the United States and through the minister of His Majesty at Washington."

At the same time that I communicate to you the present resolution, which puts an end to the reclamation caused by the detention of the above-mentioned barks, I beg to say that it has afforded me pleasure to have contributed to a result which gives another proof to the Government of the United States of the friendship, equity, and justice with which the Spanish Government is animated in the relations with that Republic.

I avail myself of this opportunity to renew, &c.

MANUEL SILVELA.

[Inclosure 3 in No. 4.]

*Mr. Reed to Mr. Silvela.*

LEGATION OF THE UNITED STATES,  
*Madrid, April 18, 1878.*

EXCELLENCY: I have the honor to acknowledge the reception of the note which Your Excellency was pleased to address to me under date of the 16th instant, in regard to the measures taken by the Government of His Catholic Majesty for the payment of the indemnification in the cases of the American whaling schooners *Ellen Rizpah* and *Rising Sun*, detained off the coast of Cuba by Spanish *guarda costas*.

In informing Your Excellency that I have transmitted a copy of your excellency's note to Washington for the information of my government, I beg at the same time to add that I am sure the President will duly appreciate this new proof of the friendly sentiments which animate the Government of His Catholic Majesty in all its dealings with that of the United States.

I avail myself, &c.,

DWIGHT T. REED.

No. 461.

*Mr. Exarts to Mr. Lowell.*

No. 66.]

DEPARTMENT OF STATE,  
*Washington, April 26, 1878.*

SIR: I have to acknowledge the receipt of your dispatch No. 77, of the 15th ultimo, and to say in reply that, having communicated the sub-

stance thereof, together with a copy of the Spanish royal order of February 28, 1878, relative to the admeasurement of American vessels (or the acceptance of their registers), at the ports of Spain, a transcript of which you inclosed to the Secretary of the Treasury, that officer has addressed a reply to the Department in which he observes as follows:

"American registers show the measured spaces of a vessel in detail, the aggregate of which is the stated gross or total tonnage; and the register also shows what spaces (if any) have been omitted from admeasurement. Spanish registers give the total or gross tonnage only, without giving the details. Whether the total tonnage stated includes all spaces which are measured in American vessels, can only be ascertained by an examination of the vessel.

It is suggested that this fact be brought to the notice of the Spanish government, with the view of having Spanish registers conform to the requirements of our own. The circular of this department, July 11, 1877, applies to Spanish vessels the rule which prevails with respect to all other foreign vessels, and is intended to provide for any deductions or omissions which by the law of the foreign country are allowed to be deducted or omitted in making up the total or gross tonnage stated in a register.

I may remark that I do not see how Spanish vessels can be prejudiced by the application of this rule."

You will please lay the views and considerations of the Secretary of the Treasury, as above stated, before the minister of foreign affairs.

I inclose a copy of the circular of July 11, 1877, referred to.

am sir, &c.,

WM. M. EVARTS.

---

No. 462.

*Mr. Reed to Mr. Evarts.*

No. 8.]

LEGATION OF THE UNITED STATES,  
*Madrid, April 27, 1878. (Received May 18.)*

SIR: The Gaceta of this morning publishes a law fixing the permanent force of the army in the Peninsula for the economical year of 1878 to 1879 at 100,000 men.

By this law, a copy and translation of which are hereto annexed, you will observe that the army in the island of Cuba is to be of such force as shall be deemed necessary to complete the pacification of the island.

I have, &c.,

DWIGHT T. REED.

---

[Inclosure 1 in No. 8.—Translation.]

*Law fixing the permanent force in the army.*

MINISTRY OF WAR—LAW.

Don Alfonso XII, by the grace of God, constitutional King of Spain. To all whom the present may concern:

Know that the Cortes have decreed and we sanctioned the following:

ARTICLE 1. The force of the permanent army of the Peninsula for the economical year of 1878-1879 is fixed at 100,000.

ART. 2. The force of the army of the island of Cuba shall be that which may be considered necessary in order to complete the pacification of the said Antilla. That of the armies of Porto Rico and Philippine Islands for the next economical year shall consist of 3,751 and 10,475 men respectively.

Therefore we command all the tribunals, justices, chiefs, governors, and other authorities, civil as well as military and ecclesiastic of any class or dignity, to keep and cause to be kept, to fulfill and execute the present law in all its parts.

Given at the palace on this the 22d day of April, 1878.

I, the King.

The minister of war.

FRANCISCO CEBALLOS.

No. 463.

*Mr. Reed to Mr. Evarts.*

No. 12.]

LEGATION OF THE UNITED STATES,  
*Madrid, June 9, 1878. (Received July 1.)*

SIR: I have the honor to inclose herewith a copy and translation of a telegram received at six o'clock on the afternoon of the 7th instant (and published in the *Gaceta* of yesterday) by the president of the council of ministers, Mr. Canovas del Castillo, from Generals Jovellar and Martinez Campos, announcing that peace has been definitely established in the island of Cuba.

This long-expected news has been received here with great satisfaction by all parties. After the reading of the telegram in the Cortes, a committee was appointed to wait upon His Majesty the King, to offer their congratulations on the important event. The committee was received by His Majesty yesterday at twelve o'clock. The president of the Cortes (Señor Ayala) delivered the congratulatory speech, a copy and translation of which I beg to annex hereto. The speech of His Majesty in reply has not as yet been published in full, but a synopsis of it will be found following that of Señor Ayala.

The *Gaceta* of this morning published two royal decrees, dated yesterday, one accepting the resignation of General Jovellar, as governor and captain-general of Cuba, and the other appointing General Campos to the position. The appointment of General Campos to this important post, following so closely upon the reception of the news of the pacification of the island, would seem to be a recognition on the part of the government of the eminent services rendered by him as commander-in-chief of the army. General Jovellar, as I am informed, is to be made secretary of war on his arrival in Madrid.

I have, &amp;c.,

DWIGHT T. REED.

[Inclosure 1 in No. 12.—Translation.]

*Peace established in Cuba.*[From the *Gaceta*, de Madrid, June 8, 1878.]

[Telegram.]

To the President of the Council of Ministers and to the Ministers of War and Ultramar, from the Governor-General of the Island of Cuba and from the General-in-Chief:

HAVANA (without date). (Received June 7.)

All the insurgent chiefs have accepted the capitulation, the majority of the parties of the oriental section and of the Tunas having laid down their arms. The rest of them are concentrating in order to do likewise. It is not likely that any armed force will be left, but some isolated banditti may possibly exist.

The war may be considered as terminated. At the same time that we have the extreme satisfaction of communicating to your excellency so happy an event, we beg you to convey to His Majesty the King the manifestation of our respectful adhesion, as well as of that of the army, and our congratulations for having completely restored peace to Spain.

This definite result is, in a great measure, due to the efficient and constant co-operation of His Majesty's Government, which has not permitted us to want either men or money; by having granted us ample facilities; by approving our acts; and by anticipating our wishes.

Be pleased to receive the expression of our special gratitude, and to permit us at the same time to remember the former governments for having defended with equal tenacity the cause of the integrity of the Spanish soil, although without the good fortune of seeing (as has the present) the termination of the war.

JOAQUIN JOVELLAR.  
ARSINIO MARTINEZ CAMPOS.

[Inclosure 2 in No. 12.—Translation.]

*Speeches on peace.*

[From Los Debates, June 9, 1878.]

In conformity with the resolution of the Cortes, on Friday last His Majesty was congratulated by the president and two secretaries, the committee (selected by lot), and quite a number of deputies, who gladly associated themselves in this act of expression of sentiments and of courtesy.

His Majesty the King appeared with Her Highness the Princess of Asturias as Her Majesty the Queen was slightly indisposed, and on occupying the throne ordered the deputies to occupy the benches placed *ad hoc* in the royal chamber.

Mr. Ayala (president of the Cortes), who was near the steps of the throne, delivered to His Majesty the following speech, which has invited attention, not so much on account of its remarkable eloquence, as by the spirit of dignity, frankness, and liberality which pervades it and gives it splendor, especially in its last sentences:

“SIRE: Hardly had Congress heard that the complete pacification of the Island of Cuba was an undoubted fact, than it resolved to send a committee to congratulate Your Majesty on so happy an event; for it is always grateful as well as honorable to share with Your Majesty in the rejoicings of the country and in the hopes for its future prosperity.

“It is just, sire, that we should at this solemn moment call to memory the great efforts which, in spite of the anxieties of times past, all the anterior governments have made in order to maintain the integrity of the nation. In fact, sire, neither our misfortunes nor our discords nor our sanguine dissensions have been powerful enough to withdraw the attention of any one government from the danger that existed in the Island of Cuba. Their main effort was to increase the means of resistance in proportion as the attack was greater and more persistent; they were not detained by any obstacles. There was a time, however, when the soldiers (in order to go on board the vessels that awaited them in the ports), in passing through some of our cities during our civil war in the peninsula, were obliged to expose themselves to the fire and bullets of the enemy. Once embarked, they went on with the determination to defend the rights of those they left behind in a state of anarchy.

“Unfortunately, the news of our civil discords somewhat neutralized our effort by inspiring hope among the insurgent soldiers, thus exciting them to a prolonged resistance.

“Your Majesty is entitled to the pleasure and honor of being able to feel the conviction that, on occupying the throne of your ancestors, you have bestowed the most efficient element for obtaining the present victory. The peace of the Peninsula has brought about the peace of Cuba, and they both secure to Your Majesty the glorious title of Pacifier of Spain, the most agreeable name to which a magnanimous soul may aspire.

“If, in the midst of your present satisfaction, Your Majesty recollects the unhappy moments when you came to take possession of the throne so worthily occupied by you; if you remember the afflictions the first government of Your Majesty had to endure when you anxiously cast your eyes on the map in order to find out the way through which Your Majesty might reach the capital of the kingdom without endangering your precious life by the enemies' bullets—if you compare all those anxieties with the peace that now surrounds you, and behold all the provinces of the Spanish monarchy in their present quiet and peaceful state, as if trusting in the noble influence of your magnanimous heart, in the noble influence of your generous youth, and in your bright intellect, you cannot but feel your heart moved, and conceive the earnest desire to apply all your zeal, all your solicitude, and all the moments of your life to the prosperity of this country, to the maintenance of the constitutional monarchy, and the monarchical and liberal institutions which, in spite of the past times of confusion, have conquered absolutism and demagogism; for only thus, and not otherwise, can Your Majesty worthily respond (as we all expect) to the hopes of the country and to the high favors which Providence has already bestowed on you.”

His Majesty with deep feeling said to the deputies that, the Cuban war having terminated by the united efforts of all parties, marked a new era in our political regeneration.

“Peace,” said His Majesty, “has been obtained by the impulse of our gallant Spanish army, by the decision of the volunteers, the loyalty of the inhabitants of Cuba, the gallantry of the illustrious military chief General Martinez Campos, the co-operation of the not less illustrious General Jovellar, the high and most deserving authorities of the Great Antilla, and, finally, by the unyielding resolution of the mother country to support her noble banner in that Spanish province which was emerged from the chaos of the unknown, christianized and civilized by Spaniards. That holy peace,” repeated

His Majesty, "will be sustained, and will fructify by the patriotic perseverance which all parties have shown, and will no doubt continue to show, in peace as well as in war."

His Majesty lamented that on account of his high duties he was not permitted to share in America, by the side of the Spanish combatants and at the head of the valiant army, the perils and fatigues of the campaign, and to fulfill his duties as a soldier, as he had had occasion to do in the peninsula.

"Eternal praise," added His Majesty, "be on the brave and resolute sustainers of the Spanish flag in America and on the gallant chiefs. Eternal praise be on all who, with a truly Spanish heart, have caused the principle of national integrity to be triumphant in Cuba."

His Majesty closed by asserting the warm impression made on his mind by the patriotic speech delivered by the president of Congress, and by eloquently expressing the hope that in the new condition of affairs Spain might soon reach that bright future to which she is so much entitled.

---

No. 464.

*Mr. Reed to Mr. Evarts.*

No. 13.]

LEGATION OF THE UNITED STATES,  
*Madrid, June 11, 1878. (Received July 1.)*

SIR: One of the results of the pacification of the Island of Cuba has been the termination, by royal decree, of the sentence of suspension imposed on certain Spanish journals and the withdrawal of all accusations pending before the tribunals established under the royal decree of 31st December, 1875.

The royal decree first above mentioned, a copy and translation of which I beg to inclose, appeared in the *Gaceta de Madrid* of this morning.

I have, &c.,

DWIGHT T. REED.

---

[Inclosure in No. 13.—Translation.]

*Royal decree.*

MINISTRY OF GRACE AND JUSTICE.

For the happy reason of the complete pacification of the Island of Cuba, and in conformity with the opinion of my council of ministers, I decree the following:

ARTICLE 1. The suspension of all the journals by virtue of sentence given before the publication of this decree is hereby terminated.

ARTICLE 2. The pending accusations before the tribunals created by my royal decree of 31st December, 1875, shall be withdrawn by the special attorneys.

Given at the palace this 10th day of June, 1878.

ALFONSO.

FERNANDO CALDERON Y COLLANTES,  
*Minister of Grace and Justice.*

---

No. 465.

*Mr. Evarts to Mr. Lowell.*

No. 77.]

DEPARTMENT OF STATE,  
*Washington, June 28, 1878.*

SIR: Your undated telegram, announcing the death of the Queen of Spain, was immediately answered by one sent yesterday morning, direct-

ing you to convey, through the minister of state, the expression of the profound sympathy of the President with the King and the people of Spain in their deep affliction.

The intelligence of the decease of Doña Mercedes has also been officially communicated to this government by the Spanish minister, and has been suitably responded to.

As you have probably already appropriately fulfilled the telegraphic instruction which was sent to you, it remains only for you to mention to the minister of state your reception of the present communication confirming the sentiments of the telegraphic dispatch.

I am, &c.,

WM. M. EVARTS.

---

No. 466.

*Mr. Lowell to Mr. Evarts.*

No. 95.]

LEGATION OF THE UNITED STATES,

*Madrid, July 3, 1878. (Received July 20.)*

SIR: At my first interview with Mr. Silvela after my return from my furlough, he told me that the Queen was ill. Driving too late, he said, by the side of the lake in the Casa del Campo, she had taken cold; some symptoms of fever had shown themselves; there were fears lest these should assume a typhoidal character; the symptoms were complicated and the diagnosis made less easy by her being with child; as she had already miscarried once, the doctors might order her to keep her bed or a reclining-chair for months to come; naturally there was some anxiety, but her youth and strong constitution were greatly in her favor. Mr. Silvela spoke with a great deal of feeling, but certainly did not give me the impression that the case was so very serious, much less that it was hopeless. It seemed rather to be only a question whether the Queen would be able to hold the reception which had been announced for her birthday (the 24th).

This was on the 19th of June. Two days afterward I read in the morning paper that the case was putting on a grave look, and that the physicians hitherto in attendance (all of them accoucheurs) began to fear that the real disease was gastric fever, all the more to be dreaded in the Queen's case, as one of her sisters had died of it, and one of her brothers, after lingering a year, of the weakness consequent upon an attack of it. I at once went over to the palace to make inquiries and to inscribe my name in the book placed for the purpose in the Mayordomia Mayor. I did not see Mr. Silvela, but Señor Ferraz, the under secretary, told me that the Queen's condition was alarming.

Next day the crowd of inquirers (a crowd embracing all classes) became so great that a separate register for the diplomatic corps was placed in the department of state, and regular bulletins began to be issued three times a day.

Up to this time the situation of the Queen could not have been considered as one of imminent danger, for the Duke and Duchess of Montpensier had not been summoned and the patient was still attended only by the physicians already mentioned. The first consultation at which eminent practitioners from outside the palace attended, took place on the 24th. Meanwhile, the wildest and, I may say, most atrocious rumors were current among the vulgar, so atrocious, indeed, that I will not shock you with a repetition of them.

From this time forward I went several times every day to ask for news at the palace. Even so late as Tuesday the 25th the case was not thought desperate. On that day I was assured that it was the opinion of the physicians that if the internal hemorrhage (which had been one of the worst features of the case) did not recur during the night, recovery was certain. It did not recur, but nevertheless the weakness of the sufferer became so excessive that extreme unction was administered early on the morning of Wednesday. After this there was a slight rally, followed by a rapid loss of strength and consciousness, ending in death at a quarter past twelve.

During the last few days of the Queen's illness, the aspect of the city had been strikingly impressive. It was, I think, sensibly less noisy than usual, as if it were all a chamber of death, in which the voice must be bated. Groups gathered and talked in undertone. About the palace there was a silent crowd day and night, and there could be no question that the sorrow was universal and profound. On the last day I was at the palace just when the poor girl was dying. As I crossed the great interior court-yard, which was perfectly empty, I was startled by a dull roar not unlike that of the vehicles in a great city. It was reverberated and multiplied by the huge cavern of the palace court. At first I could see nothing that accounted for it, but presently found that the arched corridors all around the square were filled, both on the ground floor and the first story, with an anxious crowd, whose eager questions and answers, though subdued to the utmost, produced the strange thunder I had heard. It almost seemed for a moment as if the palace itself had become vocal.

At the time of the royal marriage I told you that the crowd in the streets was indifferent and silent. My own impression was confirmed by that of others. The match was certainly not popular, nor did the bride call forth any marks of public sympathy. The position of the young Queen was difficult and delicate, demanding more than common tact and discretion to make it even tenable, much more, influential. On the day of her death the difference was immense. Sorrow and sympathy were in every heart and on every face. By her good temper, good sense, and womanly virtues, the girl of seventeen had not only endeared herself to those immediately about her, but had become an important factor in the destiny of Spain. I know very well what divinity doth hedge royal personages, and how truly legendary they become even during their lives, but it is no exaggeration to say that she had made herself an element of the public welfare, and that her death is a national calamity. Had she lived she would have given stability to the throne of her husband, over whom her influence was wholly for good. She was not beautiful, but the cordial simplicity of her manner, the grace of her bearing, her fine eyes, and the youth and purity of her face gave her a charm that mere beauty never attains.

Seldom has an event combined more impressive circumstances. Youth, station, love, happiness, promise, every element of hope and confidence, were present to give pathos to the sudden catastrophe. It seemed but yesterday that she had passed through the city in bridal triumph. On that day, as in most Spanish ceremonies of the kind, an empty carriage, called a *coche de respeto*, was one of the peculiar features of the procession. On the day of the funeral the *coche de respeto* was the huge vehicle (prophetically, as it should almost seem, named *de ambos mundos*), drawn by eight white horses, in which we had seen her pass a happy bride. Surely the two worlds were never more impressively brought face to face.

Grief and sympathy were universal, and with these a not unnatural



anxiety about the future. The young King has borne himself with great manliness and self-restraint, though his face shows deep marks of the trial he has endured and has still to endure. The Duke and Duchess of Montpensier receive less sympathy, for, as generally on such occasions, there are not wanting those who see in the Queen's death a blow of retributive justice for the royal marriages of 1846, forgetting into how many obscure households death may have entered on the same day and left behind him the same desolation.

One cannot help recalling the familiar stanza of Malherbe:

Le pauvre en sa cabane qui de chaume se couvre  
Est sujet à ses lois,  
Et la garde qui veille aux barrières du Louvre  
N'en défend point nos rois.

The moment I heard of the Queen's death I sent a note to Mr. Silvela, of which a copy is annexed. I also, on receiving the President's dispatch, instantly inclosed to him a copy of it. I was very glad that the President thought proper to send it, for it could not fail to be grateful, as, indeed, I am sure it has been.

To-day at noon the diplomatic corps were received in audiences of condolence (painfully trying on both sides) by the King, the Princess of Asturias, and the Duke and Duchess of Montpensier, with their surviving unmarried daughter. The King leaves to-morrow morning for the Escorial, where it is said he will spend a month.

On the 17th of this month a solemn mass for the repose of the late Queen's soul will be celebrated at the expense and under the direction of the government. The other foreign ministers here have written to their respective governments, asking to be deputed as special envoys for that occasion. I shall accordingly send you a telegram asking whether, in case they should be so deputed, I should assume the same function myself.

I have, &c.,

J. R. LOWELL.

[Inclosure in No. 95.]

*Mr. Lowell to Mr. Silvela.*

LEGATION OF THE UNITED STATES,

*Madrid, June 27, 1878.*

EXCELLENCY: I have the honor to acknowledge the reception of your excellency's note of yesterday, communicating the mournful intelligence of the death of Her Majesty Queen Doña Maria de las Mercedes de Orleans y Borbon.

The Government and people of the United States will sympathize deeply in the universal sorrow felt for the loss of one in whom the woman gave luster to the Queen, whose graces and virtues had endeared her to all, and whose premature loss leaves all Spain in sincere mourning. Seldom, indeed, do so many pathetic motives combine to awaken the sympathy of the distant and unfamiliar; how much more of those who had the felicity to see and know the loveliness that has been extinguished and the fair promise that must now be unfulfilled.

I avail myself, &c.,

J. R. LOWELL.

No. 467.

*Mr. Lowell to Mr. Erarts.*

No. 102.]

LEGATION OF THE UNITED STATES,  
*Madrid, July 25, 1878. (Received August 17.)*

SIR: I have the honor to inclose for your information a copy and translation of a circular issued yesterday by the director-general of cus-

toms, in which are set forth such changes as have been made in the tariff by the bill of ways and means of 1878-79. One or two of these affect American interests. The definition of what shall constitute a *direct* voyage from the Spanish West Indies to peninsular ports will, I trust, have the effect of saving our ship captains from some unjustifiable custom-house interferences to which they are now subjected.

You will see that the method of distinguishing crude from rectified petroleum has been defined anew, which seems an acknowledgment on the part of the Spanish Government that I was right, if not in my interpretation of the note as it formerly stood, at least in thinking it obscure.

You will observe the resolute pressure which the Spanish Government brings to bear on nations without special treaties.

I have, &c.,

J. R. LOWELL.

[Inclosure 1 in No. 102.—Translation.]

*Circular regarding the tariff.*

[From the *Gaceta de Madrid*, July 23, 1878.]

The bill of supplies for the fiscal year 1878-79 having been published in the *Gazette* of this date, the director-general of this bureau communicates to you as follows the important directions which the said law contains in respect of custom-house dues:

The law referred to directs that "sugars from the Spanish provinces of America shall pay for the future, without distinction of classes, a duty of 17 pesetas and 50 centimos the hundred kilograms, net weight, estimated as the regulations direct, and that sugars produced in and proceeding from our possessions in Oceania shall pay as duty the fifth part of that paid by those produced in and proceeding from Cuba and Puerto Rico."

A new duty, therefore, of 17.50 pesetas on sugar from the American provinces is substituted for that of 22.50 pesetas in paragraph 233 of the present tariff; and as respects sugar from the provinces of Oceania, it must pay a fifth part of this new duty of 17.50 pesetas, instead of a fifth of the duty on foreign sugars, which has been levied in accordance with section 9 of the present tariff. As these duties are on the net weight, estimated according to the regulations, the tare of 14 per cent. on the gross weight, as directed by the fifth section of the tariff for sugar of all classes in boxes or hogsheads, is continued. The law reduces the duties on certain imported articles as follows:

"Raw cotton, indigo, cacao, and undressed hides shall pay, when shipped from any European port, the duties assigned to them in the tariff of importations. Raw cotton shipped directly from foreign countries not in Europe shall pay one peseta less on every 100 kilograms than that assigned in the present tariff. Indigo, cacao, and undressed hides coming from such countries shall pay three pesetas less than the duty assigned for the same weight. And the reductions of duties established by articles 8 and 9 of the tariff for productions of the Spanish provinces in America and Oceania shall be made in the duties collected on raw cotton, indigo, cacao, and raw hides imported from countries not in Europe."

The above abatements of duty on raw cotton, indigo, cacao, and raw hides imported directly from countries not in Europe must be made on the duties fixed by sections 90, 62, 235, 236, and 183 of the tariff, and according as the said articles are the product of countries with which we have special treaties or not.

The reduction by one-half in the duties imposed by section 8 of the tariff on raw cotton, indigo, cacao, and raw hides produced in and imported from our American provinces shall be made on the amount remaining after subtracting the abatements established by law for certain articles imported from non-European countries, and the same method shall be followed in applying the reduction of four-fifths of the duties to which reference is made in article 9 of the tariff for the products of our provinces of Oceania. In both cases the basis of the calculation must be the duty applicable to nations with which we have special treaties.

The port of clearance of vessels shall be ascertained by an examination of the manifest and ship's papers, and in applying the above abatements and reductions of duties attention must be paid to note 3 of the tariff and article 317 of the customs ordinances. In another article the law directs, "That the voyages of vessels which, bringing products of our possessions beyond the sea, touch at American ports not belonging to Spain, in order to complete their cargoes, shall not lose the character of *direct*, pro-

vided that the original port of clearance be established in such manner as the administration (of the customs) may require."

Officers of the customs will examine and compare the ship's papers, in order to ascertain all the ports in which vessels referred to in the above order may have touched; and to the end that the merchandise on board may not lose the benefit to which it is entitled as coming from our transmarine provinces, they must be provided in all cases with a certificate of the custom-house at the original port of clearance, setting forth the number, class, marks, and numbers of the packages, the class of merchandise contained in them, the fact that they are the product of those provinces, of their shipping and exportation for the Peninsula and Balearic Islands.

Rectified petroleum and other rectified oils will continue to pay, under section 7, a duty of 5.50 pesetas, or five pesetas the hundred kilos, according as they are or are not products of countries with which Spain has a special treaty; and raw mineral oils, natural or distilled, of section 6, will continue to pay a duty of 41 centimos de peseta the hundred kilos when they fulfill the conditions of the note set forth at the end of this circular.

*Extraordinary transitory impost of article 28 of bill of supplies of 11th July, 1877.*

The new bill of supplies decrees:

That the extraordinary impost of article 28 of the bill of supplies of 11th July, 1877, on rectified petroleum and benzine, shall be raised to 17.25 pesetas the hundred kilos of weight, including that of the vessel containing it (*enrase*); that raw natural petroleum shall pay 8.31 pesetas on the same weight; that cotton-seed and other vegetable oils made of grains and seeds shall continue to pay a duty of 20 pesetas the hundred kilos, gross weight; that cacao, palm, and other solid oils shall pay only the ordinary duty specified in the tariff; and, lastly, that from the 1st of July of the present year the above (extraordinary) imposts are suppressed upon all other articles of foreign commerce.

According to this last direction of the law, with the exception of the oils specified therein, the extraordinary transitory impost of article 28 of the supplies of 1877-78, set forth in detail for every article in column 3 of the tariff, is suppressed, and said third column shall be considered as void and of no effect.

Rectified petroleum and benzine shall pay an extraordinary transitory impost of 17.25 pesetas the one hundred kilos, including the cases (*enrase*), instead of the 12.50 pesetas which they have been paying under the same provision.

Crude natural petroleum shall pay under the same provision 8.34 pesetas the hundred kilos, including the cases (*enrase*).

Cotton-seed and other vegetable oils from grains and seeds, including linseed and drying oils, shall pay an extraordinary transitory impost of 20 pesetas the hundred kilos, gross weight, instead of 25, as hitherto.

Cacao, palm, and other solid oils are for the future free from the extraordinary transitory impost.

All the oils abovementioned shall pay on their gross weight when they are contained in a single vessel. Whenever contained in more than one, the duty shall be ascertained in accordance with the prescriptions of the fourth direction of the tariff in respect of vessels and cases; and for the classification of crude and rectified petroleum, the note appended to this circular shall be observed.

*Transitory impost established by article 18 of the bill of supplies of July 21, 1876.*

The new bill of supplies also ordains—

"That the transitory impost of the tariff referred to in article 18 of the bill of supplies of July 21, 1876, shall continue to be exacted, with the exception of that paid by common and refined sugars, which shall be unified thus: Sugar of all classes, the product of and shipped from our transmarine provinces, shall pay 8.80 pesetas the one hundred kilos; that from any foreign country, 13.50 pesetas the one hundred kilos. Crude natural petroleum shall pay the same transitory impost of 3.75 pesetas the one hundred kilos, including case (*enrase*), that is paid by rectified petroleum and benzine."

The rates of transitory imposts above referred to are those contained in folio 41 of the tariff, and will continue to be collected as hitherto on all the articles therein enumerated, with the following changes:

The difference of impost on classes of sugars which remains in force is now based on their origin, and accordingly the classification in sections 1 and 2 of said rates is annulled and replaced by the following:

Sugar of all classes, produced in and shipped directly from our transmarine provinces, 8.80 pesetas the one hundred kilos. Sugar of all classes, shipped from any foreign port, 13.50 pesetas the one hundred kilos.

The last section of the tariff will include not only crude natural petroleum not hitherto

to mentioned in the tariffs of transitory imposts, but also rectified mineral oils and benzine, which shall pay 3.75 pesetas the one hundred kilos, including the *enrase*.

(Here is omitted a section referring to the internal duties exacted at the gates of cities.)

#### *Navigation dues.*

Concerning these imposts the law contains the following changes:

"Vessels employed in the direct traffic of merchandise and passengers between the peninsula and our foreign possessions shall be considered for the payment of imposts on loading, discharging, and passengers, as coasting vessels, and shall therefore pay in accordance with the rates established for trade of the first class. The reduction to one-fourth of the tonnage dues established by article 11 of the decree of June 26, 1874, conceded to iron ore by the decree of the 21st July, 1876, is conceded also to mineral coal and coke, and the same reduction shall be made in the municipal duties as is made to iron ore."

Accordingly, the directions of articles 255 and 256 of the customs ordinances are modified in respect to tonnage and passenger duties, the direct commerce between the peninsula and our transmarine provinces being considered as of the first and not of the third class, and payment is to be made of 75 centimos de peseta for each ton of 1,000 kilos of merchandise discharged and of 50 centimos de peseta for every passenger landed.

In the same manner article 267 of the said ordinance, so far as tonnage and passenger dues are concerned, shall be understood as modified, since direct commerce between the peninsula and our transmarine provinces is to be considered of the first class, and payment is to be exacted of 50 centimos de peseta for every ton of 1,000 kilos of goods and the same for every passenger taken on board.

Article 270 of the ordinances is modified in its last two paragraphs as follows:

"Vessels laden with iron ore, mineral coals, or coke shall pay only a fourth part of the tonnage dues according to the threefold classification, and in the same way the local duties levied on importations for the repair of harbors shall be reduced to a fourth on iron ore, mineral coals, and coke."

For the levying of tonnage dues on vessels plying between the peninsula and transmarine provinces the gross weight set forth in the manifests, with such corrections as may result from examination, shall serve as a base.

In all other respects the ordinances remain in force as regards navigation dues, and as by the law as above cited the voyages of vessels from our transmarine provinces, which, bringing products thereof, may touch at foreign American ports to complete their cargoes, do not lose their character of direct, this concession shall only be considered to apply to such part of the cargo as shall have been taken on board in such provinces, the requirements above set forth having first been complied with.

#### *Period within which the modifications of the laws shall take effect.*

The reduction of duties set forth in the law shall apply to all consignments made after the day on which the bill of supplies is published, including merchandise warehoused or in bond.

And, as respects increased duties, they shall be remitted only on vessels and merchandise which shall be duly proved to have left their port of clearance before the promulgation of the law.

#### *Various provisions.*

The importation and forwarding of articles subject to extraordinary transitory imposts in that part of the law which remains in force; as also the transitory and municipal duties; the penalties for omissions and frauds, together with all the special incidents that may arise in the administration and collection of these imposts, shall be subject to the rules in force for the collection of customs.

#### *Note.*

By virtue of what is ordained in the law concerning duties on crude and rectified petroleum, note 6 of the tariff is repealed, and both for the collection of ordinary and extraordinary duties those shall be understood as natural crude petroleum which have a dark greenish color and decided smell, a want of transparency, containing essential oils which are volatilized at a temperature below 60° centigrade, and when distilled at a heat of 230° centigrade leave a considerable residuum.

Petroleum resulting from the first distillation of schists, distinguished by their dark yellowish color and a density of 900 to 920, or from 66 to 574 degrees of the centesimal areometer, equivalent to 24.69 to 24.48 degrees of that of Cartier, shall also be rated as natural petroleum.

All other mineral oils which do not combine these properties shall be considered as rectified. When customs officers are not entirely satisfied that crude petroleum com-

bine all the above conditions, they will immediately consult the proper authorities, forwarding samples to the central bureau.

God guard you many years.

Madrid, July 23, 1878.

JUAN CAVERO.

ADMINISTRATOR OF CUSTOMS AT ———.

No. 468.

*Mr. Lowell to Mr. Evarts.*

No. 105.]

LEGATION OF THE UNITED STATES,  
*Madrid, August 6, 1878. (Received August 22.)*

SIR: The appearance of the dreaded *Phylloxera* in Spain seems to me of sufficient importance to warrant my calling your attention to it. It has certainly shown itself in the neighborhood of Malaga, and is reported in some parts of Cataluña. You know how destructive it has been in France, where it has already reduced the area of land in vineyards by something over one-third, and where, in spite of the offer of large rewards, no effectual way of checking its progress has been discovered, and it is to be feared that in Spain, with laxer habits of administration, it may prove even more disastrous.

The universal depression of business is felt perhaps more severely in Spain than in any other country, and the destruction or diminution of a branch of industry so important as that of wine-making would be a national calamity.

Besides the great exportation of the wines of Xerez, there is another, perhaps even greater, of the rough Catalonian wines to France, whence, after manipulation at Bordeaux, they are distributed to the rest of the world as genuine products of the Bordelais. The ravages of the phylloxera in France and favorable changes in the tariff seemed likely very much to increase this trade, and accordingly, should the evil spread, it threatens to have a very serious effect on the prosperity of a country already overburdened.

The remedy thus far proposed and in part adopted, as most effectual, is the uprooting of a belt of vines in order to isolate the infected district. But the weakness of this method lies in the natural temptation to conceal the existence of the evil on the part of small proprietors, dependent on their patches of vineyard for subsistence.

On every account it is to be hoped that Spain, whose resources would be greatly strengthened by a few years of regular government, may not be the victim of a misfortune which, by increasing the already great misery and discontent, might even lead to grave political consequences.

I have, &c.,

J. R. LOWELL

No. 469.

*Mr. Lowell to Mr. Evarts.*

No. 110.]

LEGATION OF THE UNITED STATES,  
*Madrid, August 30, 1878. (Received September 14.)*

SIR: I have the honor to inform you that some weeks ago the publisher of two illustrated periodicals, *La Ilustracion Española* and *La*

Moda Elegante, called upon me to say that the packages of them sent by mail to America had been returned to him with an inscription stamped on the outside saying that they were returned for neglect of paying duty.

I told him that I had no official information on the subject, and that the proper way for him to seek a remedy would be through the channel of his own government.

A day or two after, I read in an American newspaper an order of the Treasury Department directing that packages of periodicals not exceeding a certain weight would be admitted on payment of postage alone.

Having spoken to Mr. Silvela about the matter, I translated the order and sent it to him, at the same time saying that I could not warrant its authenticity, though I saw no reason to doubt it, and that I hoped the question was settled.

This morning, however, the publisher has called again, saying that his packages continue to be returned as before, and that in spite of an official communication to the Spanish post-office of the Treasury order above mentioned.

I promised to write home for an explanation of the matter, and I now do it, not only on his account, but that I may know what to say if other cases should be brought to my notice.

I have, &c.,

J. R. LOWELL.

No. 470.

*Mr. Lowell to Mr. Evarts.*

No. 112.]

LEGATION OF THE UNITED STATES,

*Madrid, September 5, 1878.* (Received September 21.)

SIR: In the *Imparcial* of this morning I find some statements of facts bearing upon the Spanish navigation laws, which, as the same question arises from time to time in the United States, seem to me of some interest. The *derecho diferencial de la bandera*, that is, a discrimination in favor of vessels carrying the national flag, was once, as is well known, universal. In Spain the fashion seems to have been first set by Don Jaime I, of Aragon, who granted a privilege of precedence to the ship-owners of Barcelona. The complaints of producers and merchants, however, brought about its speedy repeal. Similar privileges were granted by the Emperor Charles V in 1523, and by Philip II in 1560. These in process of time fell into desuetude; were renewed by Charles II in 1698; again forgotten; re-established by Philip V in 1721, and in 1784 assumed the form which they retained until the revolution of 1868.

In November of that year a law was passed suppressing the differential duty in order "to restore commerce its liberty of action in seeking freights where they could be found best and most cheaply." This law was based on the report of a commission appointed three years earlier. It appeared from this report that freights in Spanish bottoms, notwithstanding the discrimination in their favor, had diminished from 721,000 tons in 1854 to 440,000 in 1865, while those in foreign bottoms had increased 30 per cent. during the same period.

Meanwhile the ship-owners have kept up so constant a clamor affirming that the repeal of the differential duties was ruining the Spanish mercantile marine, that at the last session of the Cortes a new commission was appointed to examine into the matter and report anew.

What the ship-owners want is *both* free trade and protection so far as

one or the other is for their interest. That is to say, they wish to be allowed to buy ships where they can buy them cheapest, nationalizing them by payment of a minimum impost, and at the same time they would impose an almost prohibitive duty on all freights in foreign bottoms.

Their assertion that the repeal of this latter duty has been injurious to the Spanish mercantile marine is disproved by the fact that between 1867 and 1878, its tonnage increased at the rate of more than 10,000 tons a year.

Thinking that these statistics might be of some use on our own side of the water, I have condensed them from the article of the *Imparcial*.

I have, &c.,

J. R. LOWELL.

---

No. 471.

*Mr. Evarts to Mr. Lowell.*

No. 93.]

DEPARTMENT OF STATE,  
Washington, September 12, 1878.

SIR: A telegram dated the 30th ultimo, from the consulate-general of the United States at Havana, states that the director of finance of the island of Cuba, in a communication addressed to the consulate-general under date of the 28th of August, stated that it having been again decided by the Government of Madrid on the 26th of June preceeding that American citizens cannot be included in the exemption from payment of arrears of taxes granted to the subjects of the German Empire, the governor-general has, therefore, ordered the collection of such arrears.

It seems unnecessary to go into a detailed review of the circumstances attending the equalization of the citizens of the United States resident in Cuba with those of Germany in the matter of taxation for extraordinary purposes, inasmuch as the files of the legation show amply what was done, and the extent of the concession finally made, whereby American residents, in common with German and others, were to pay an extraordinary tax of 22½ per cent. instead of the 30 per cent. levied upon Spanish subjects on that account. The concession then made was appreciated at its full worth as a step tending in a marked degree to draw closer still the feelings of good will existing between the two countries.

In the judgment of this government, the same considerations which led to the partial remission of the tax in question, apply with even greater force to the remission of the arrears in the same degree as has been conceded to the subjects of other friendly powers. It is not to be forgotten that, before the reduction of the tax to its present rate, it bore the objectionable feature of being specifically a "war tax," and as such particularly obnoxious to opposition under the received principles of international right, and that the point was practically yielded by His Majesty's government, not merely changing the name of the tax to "extraordinary," but by the remission, in favor of foreign subjects, without distinction, of such proportion of the rechristened tax as might necessarily go toward defraying the expenses occasioned to the insular treasury by the existence of a state of war. The objections preferred against the original tax are therefore strengthened in their applicability to the proposed enforcement of the collection of the arrears thereof. The benevolent disposition of the Spanish Government was, moreover, shown by the repeated and continued suspension of the collection of the tax, pending an international adjustment of the question.

Under these circumstances, and in view besides of the complete and fortunate pacification of the island of Cuba, a result to which the resolved and friendly attitude of this government in the inflexible discharge of its international obligations may have contributed in no inconsiderable degree, the United States conceive that they have a more than slight claim to the consideration of the Spanish Government toward their citizens resident in Cuba, and that they may with perfect good faith ask the remission, at this late day when peace and harmony again prevail, of an impost which was not only odious at the time of its decretal, but has been since practically annulled in deference to the powers friendly to Spain.

It is presumed that protests will have been made by the representatives of foreign governments accredited at Madrid against the contemplated collection of the arrears in question. It is not known whether opposition is likely to be made to the collection of the whole of the arrears, on the ground that Germans were, by express provisions of treaty, exempted therefrom; or whether a middle course may not be pursued by assimilating the original tax to that subsequently imposed, and permitting a rebate from 30 to 22½ per cent., as is now allowed to all foreigners. It would be well for you to inquire among your colleagues and ascertain the extent of the demands, if any, which they may be instructed to make, in order not to exceed a proper limit in the presentation of the subject to the earnest attention of His Majesty's government, as you are hereby instructed to do. It is, however, to be understood that, while identical action with your colleagues is advisable in this matter, it is not expected that you will enter into any concurrent or joint remonstrance on their part.

I am, &c.,

WM. M. EVARTS.

---

No. 472.

*Mr. Lowell to Mr. Evarts.*

No. 120.]

LEGATION OF THE UNITED STATES,  
*Madrid, October 29, 1878. (Received November 18.)*

SIR: The telegraph will have long ago informed you of the attempt made last Friday (25th) upon the life of the King. As the minister of foreign affairs at once sent off telegrams to all Spanish ministers abroad, I did not think it necessary to send a cable dispatch.

The King was making his entry into Madrid on his return from a tour of several weeks in the northern provinces, in the course of which he had directed the autumn manœuvres of the troops at Vitoria. It was his first public appearance in Madrid since the death of his Queen on the 26th of June, and it was no doubt hoped, if not expected, that the still surviving sympathy with that great calamity would communicate some of its warmth to the crowd which lined the streets through which he passed. In spite of the officially-reported enthusiasm, the young monarch's reception in the north had been more than cool. His tour, so far as concerns any political effect, had been so complete a failure that the original route sketched out for him had been changed, and he forbore to visit certain towns rather than run the risk of hostile demonstrations more emphatic than silence. Perhaps Madrid would be less indifferent. Friday was a chilly and lowering day, but the profound silence of the



throng which had gathered to see the pageant go by added a chill to that of the weather. The official cheers from the government buildings but emphasized the general silence.

The King was passing along the Calle Mayor, and drawing near to the palace. Hitherto he had gone at a foot pace, but now, as he said afterwards, "he began to be impatient to get home," and spurred his horse to a trot. Just as he did so, a shot was heard. The King, who showed great coolness, reined up, and faced in the direction from which it came. The would-be assassin, who had moved a few paces from where he had been standing, and had put on the air of an interested spectator, was pointed out by some women who had seen him fire, and at once arrested. No pistol was found upon him (though there were caps and cartridges in his pocket), nor has any since been traced. He is said to have fired twice, but only one ball has been found, and this had apparently rebounded after striking the house opposite. At first it was reported that a soldier had been slightly wounded; then that the ball had passed through the sleeve of his coat, and now even this seems doubtful.

The criminal is a young man named Oliva, a Catalanian, and by trade a cooper. He belongs to a respectable family in easy circumstances, who found it impossible to restrain his irregular tendencies, and to give him a career more suitable to their own condition in life. He at once avowed his crime, and with melodramatic dignity announced himself a socialist and member of the International. He denied having accomplices, though the disappearance of his pistol seems to imply it. It is a curious illustration of the artificial state of politics here, that, although the King would naturally be glad to pardon the criminal, it is said that he will be unable to do so lest the whole affair should seem a tragic comedy arranged beforehand between the ministry and the actors as a test of popular sentiment.

On Saturday, the 26th, the King received the felicitations of the diplomatic body. Among other things he said to me, "I almost wish he had hit me, I am so tired." Indeed, his position is a trying one, and I feel sure that if he were allowed more freely to follow his own impulses and to break through the hedge of etiquette which the conservative wing of the restoration have planted between him and his people, his natural qualities of character and temperament would make him popular.

On the same afternoon (Saturday) the King drove out with his sister the Princess of Asturias, himself holding the reins and without guards. He was well received by the people, though the effect was dampened by the factitious enthusiasm of some soldiers, who, it is said, had been blunderingly detailed for the purpose by the captain-general of the province.

The only possible effect, or perhaps I should say consequence, of the event of Friday, would be to make the policy of the present ministry more reactionary and repressive. Already the *Politica*, the organ, as it is called, of Señor Canovas, is urging such a course, and declaring that the act of Moncasi is but a symptom of the general feeling of Catalonia, with which province severe measures should be taken. But the majority even of the ministerial press is more sensible and not yet ready to identify political opposition either with regicide or rebellion.

Mr. Seward's telegram directing me to convey to His Majesty the congratulations of the President and people of the United States on his providential escape was received on Sunday morning. I at once communicated it to the minister of state in the note of which a copy is inclosed, and on the following day received Mr. Silvela's reply, a copy and translation of which are also hereto annexed.

I have, &c.,

J. R. LOWELL

[Inclosure 1 in No. 120.]

*Mr. Lowell to Mr. Silvela.*LEGATION OF THE UNITED STATES,  
*Madrid, October 27, 1878.*

EXCELLENCY: I have the honor to inform your excellency that I have this moment received a telegram from Washington directing me to offer His Majesty Don Alfonso the congratulations of the President and people of the United States on his providential escape from the dastardly attempt of an assassin on Friday last.

I need not say to your excellency how much pleasure it gives me to communicate this expression of sympathy, nor how fully I share the sincere feeling by which it was prompted.

I avail myself of this occasion to offer to your excellency a renewed assurance of my most distinguished consideration.

J. R. LOWELL.

[Inclosure 2 in No. 120.—Translation.]

*Mr. Silvela to Mr. Lowell.*MINISTRY OF STATE,  
*Palace, October 28, 1878.*

MY DEAR SIR: His Majesty the King, my august sovereign, to whom I had the honor to make known the note of your excellency of yesterday's date, orders me to pray you to be good enough to convey to the Government of Washington an expression of the lively satisfaction with which he has received the congratulations of the President and people of the United States, transmitted through your excellency.

I avail myself of this opportunity to reiterate to your excellency the assurances of my most distinguished consideration.

MANUEL SILVELA.

No. 473.

*Mr. Lowell to Mr. Evarts.*

No. 121.]

LEGATION OF THE UNITED STATES,  
*Madrid, October 29, 1878. (Received November 18.)*

SIR: I have the honor to inform you that General Grant arrived here on the morning of the 18th. At the station he was received by the civil governor of the province, by a general and two aides-de-camp on the part of the minister of war, and by the members of this legation. At all the stations on the road he was greeted by the local authorities. Though he arrived in Madrid on the day he originally fixed, he had entered Spain three days earlier than he intended, in compliance with an invitation of the King (received through the Spanish consul at Bordeaux) to be present at the autumn maneuvers near Vitoria.

General Grant while there was presented to the King, dined with him, and rode by his side during one of the reviews. He spoke in very warm terms of the excellent quality, appearance, and discipline of the Spanish troops.

During his stay here he visited the various museums, the Escorial, and Toledo. To the last place I was unable to accompany him on account of an engagement to dine with the minister of foreign affairs. On Saturday he and Mrs. Grant were received in private audience by the Princess of Asturias. On Monday evening they dined at my house, meeting the president of the council, the ministers of foreign affairs and of war, the civil and military governors, and the principal foreign ministers. After the dinner a reception took place, where as many persons as

my house would accommodate were presented to the General and Mrs. Grant.

The next day Mr. Canovas del Castillo gave a great dinner in honor of General Grant at the Palace of the Presidency, after which the chief guests withdrew to the opera, where the ministerial box had been put at their disposal, and whither Mrs. Grant had gone earlier in the evening.

General Grant left Madrid on Friday, the 25th, at 9 o'clock p. m., for Lisbon, the Portuguese minister here having already telegraphed his coming in order that he should be properly received. In consequence of this latter circumstance it was impossible for him to delay his departure in order to take formal leave of the King, as he otherwise would gladly have done. I made the proper explanations and apologies to His Majesty at our reception next day.

Every possible attention and courtesy were shown to General Grant during his stay by the Spanish Government, and the minister for foreign affairs took occasion to tell me that these civilities were intended not only to show respect and good will to General Grant, but to the Government and people of the United States.

General Grant several times expressed to me very warmly his pleasure and satisfaction at the manner in which he had been received and treated. Both he and Mrs. Grant spoke repeatedly of the great enjoyment they had had in their visit.

From Portugal General Grant goes to Cadiz, and thence to Malaga. From Malaga he will visit Granada, Cordova, and Seville, going thence to Gibraltar. Mr. Silvela begged me to keep him informed of the general's movements in Spain, in order that the necessary orders might be given for his fitting reception everywhere by the public authorities.

I have, &c.,

J. R. LOWELL.

No. 474.

*Mr. Mantilla to Mr. Evarts.*

[Translation.]

NEW YORK, October 19, 1877. (Received October 20.)

The undersigned, envoy extraordinary and minister plenipotentiary of His Catholic Majesty, has the honor to invite the attention of the Secretary of State of the United States to the recent sudden increase in the charges on tonnage which are now levied in the United States on Spanish vessels entering therein.

From March, 1869, and until within a few days, the vessels of Spain have at those ports only been subjected to tonnage charges at the rate of 30 cents per ton; but very recently the collectors, as in the case of the *Suana*, at New York, September 21, 1877, have exacted of Spanish vessels 80 cents on each ton, not as a tax, but as a "tonnage duty," while on vessels of the United States, officered by her citizens, a "tax" of only 30 cents per ton is levied.

This sudden and great increase has naturally excited surprise and worked serious injury and hardship among Spanish owners, who took freights in utter ignorance of any purpose at these ports to so increase such tonnage charges and discriminate so harshly against the flag they bore. And my government at Madrid finds itself utterly at a loss how to

explain to its ship-owners either the cause or purpose of this new exaction. The only warrant to which the undersigned has been referred for imposing this grievous charge is a circular of the Treasury Department, addressed to collectors of customs and others, under date of September 7, 1877, and purporting to be based on "its interpretation of the act of February 27, 1877 (United States Statutes at Large, vol. 19, p. 250)."

There, however, appears to the undersigned to be nothing in this law which touches tonnage duties or tonnage taxes on Spanish vessels, inasmuch as they are in such matters regulated by section 4231 of the Revised Statutes. The law of February 27, 1877, only professes to amend section 4219 of those statutes, and it leaves section 4231 untouched. To the undersigned it does not seem to be possible for the customs authorities of the United States, acting under section 4231, to exact in their respective ports any other or greater duties or taxes on the tonnage of Spanish vessels than is exacted of American vessels in such American ports, inasmuch as Spain does not now inflict in her ports discriminating or countervailing duties or charges of any kind on the tonnage of vessels of the United States.

This section 4231 reads thus:

"From Spanish vessels coming from any port or place in Spain or her colonies where no discriminating or countervailing duties on tonnage are levied upon vessels of the United States, or from any other port or place to and with which vessels of the United States are ordinarily permitted to go and trade, there shall be exacted in the ports of the United States no other or greater duty on tonnage than at the time may be exacted of vessels of the United States."

In the examination which the undersigned has been able to make of the laws of the United States, he finds that the words "duties" and "taxes," as applied to tonnage, are synonymous in meaning. The illustrious Story, in his treatise on the American Constitution (§ 952) says that the word "duties" is "in its large sense very nearly an equivalent to taxes, embracing impositions or charges levied on persons or things." Therefore the undersigned cannot think that Congress intended to say to Spain that, by using the word "tax" in the law of February, 1877, the United States could or would inflict burdensome discriminating charges on Spanish tonnage, which could not and ought not to be inflicted if named "tonnage duty." He finds that in the shipping and tonnage legislation of this nation the phrases tonnage duty and tonnage tax are used indiscriminately to mean the same thing. And so in treaties with foreign nations, as in the case of the one with Italy of February 26, 1871, the phrase is "tonnage, anchorage, and clearance duties," and the Treasury Department, in its circular of September last, concedes that the word "duties" in that treaty includes tonnage taxes.

The undersigned is informed that the highest judicial tribunals of the United States have declared that a tax laid according to the tonnage measurement of a vessel is a "duty of tonnage;" that all taxes according to cubic measurement of vessels are tonnage duties; and that "tonnage duties are as much taxes as duties on imports or exports." And for such declaration by the court he is referred to page 204 of the 12th volume of Wallace's Reports.

If it be otherwise in the jurisprudence of the United States, and tonnage duties do not cover tonnage taxes, then it is obvious that no tonnage duty whatever is, under section 4219, as amended in February, 1871, imposed on American vessels, and therefore by section 4231 none can be inflicted on Spanish vessels.

But the undersigned does not resist the imposition of the new tax on any such narrow ground. He refers to the sentence in the law of February, 1877, imposing that tax, which declares, in substance, that it

shall not impair any right or privilege acquired by Spain, relative to tonnage duty, "under the laws and treaties of the United States." Spain has no formal treaty on this subject concluded with the United States, but she has the "law" of 1869, as declared in section 4231 of the Revised Statutes, and that law was preceded by solemn diplomatic negotiations, which will appear in the correspondence on this subject of my predecessor, Señor Goñi, with the Department of State, beginning with August, 1868.

To that diplomatic arrangement and to the law of Congress of 1869, to which it led, the undersigned confidently appeals. And if there were no such diplomatic negotiation, the law of 1869 would of itself be enough to protect Spanish ship-owners from this new change. The phrase in the act of 1877 is, to be sure, "laws and treaties," but under it either a law or treaty is sufficient.

Since 1869 Spain has, with perfect fidelity, kept that engagement, as may be seen by the copy of a certificate from the auditor of customs at Havana, herein inclosed. She has not levied on American tonnage any greater or other charges than she levied on Spanish tonnage, and the undersigned conceives that, when "satisfactory proof" of that fact is given to the President, he has power, and will, under section 4228 of the Revised Statutes, suspend all discriminating charges in ports of the United States on Spanish tonnage, as his predecessor, President Grant, did by proclamation on December 19, 1871, in respect to duties on merchandise.

The policy of the United States, as the undersigned has read it in their history, has ever been to offer to all friendly nations, and ask from them, entire tonnage reciprocity. Whenever the government at Washington has levied discriminating tonnage charges, its statesmen have declared that it has only done so to induce other nations to modify or repeal their restrictions.

For many years entire and cordial tonnage reciprocity has marked the intercourse by sea between Spain and the United States, and the undersigned cannot think that, in this day of freer trade, Congress intended to impair that full and beneficial intercourse, but intended rather to leave Spain as she stood from 1869 up to September 7, 1877, and to protect her vessels from any more or other charges in American ports, whether as duties or taxes, than are levied on American tonnage, which is thirty cents per ton.

It will inflict deep pain on the undersigned if this law of 1877 shall be interpreted by the President, or the distinguished Secretary of State, in a way to repel the tendency toward even closer commercial intimacy with the United States which now inspires the government of Madrid, and in a way to turn both nations backward to the old policy of trade restriction and hostility.

The undersigned avails himself, &c.,

ANTONIO MANTILLA.

---

No. 475.

*Mr. Evarts to Mr. Mantilla.*

DEPARTMENT OF STATE,  
Washington, October 26, 1877.

SIR: I have had the honor to receive the note you were pleased to address to me under date of the 19th instant, wherein you adduce con-

siderations and arguments which, in your judgment, show that the present system of levying and collecting tonnage duties on foreign vessels entering the ports of the United States works hardship to Spanish vessels, which you regard as already exempted by law from the collection of any extra tax above that charged upon vessels of the United States, or, if not so exempt, you claim that they should be exempted, as an act of reciprocity, by reason of the absence of any discriminating or countervailing tonnage duties upon vessels of the United States in the ports of Spain. And in proof of the statement that no such discrimination is made against American shipping in Spanish ports, you inclose evidence to show that vessels of the United States enter Cuban ports on terms of equality with Spanish vessels.

In reply, I have to state that the law of March 1, 1869 (section 4231 of the Revised Statutes), to which you appeal in support of the arguments adduced in your note, requires equally with the law of the 27th of February last the establishment to the satisfaction of the President of the United States of the fact that no discriminating or countervailing duties upon tonnage are collected from vessels of the United States in Spanish ports, as the indispensable condition to the admission of Spanish shipping into ports of the United States upon the same terms as national vessels enjoy.

The Government of the United States, which has so keenly at heart the fostering and development of friendly and beneficial relations of commerce between its own shores and those of foreign countries, cannot but be desirous that the shipping trade between the United States and Spain should rest on a basis of reciprocal favor and exemption.

If, therefore, the government of His Majesty the King of Spain, which you so worthily represent, shall give such assurance as will satisfy the President of the United States that no discriminating or countervailing duties of tonnage are now levied on vessels of the United States in ports of the dominions of Spain, this government will direct its collectors of customs to exact no higher tonnage duties than those to which vessels of the United States are subjected under the law of 27th of February last.

Accept, sir, &c.,

WM. M. EVARTS.

---

No. 476.

*Mr. Evarts to Mr. Mantilla.*

DEPARTMENT OF STATE,  
*Washington, November 2, 1877.*

SIR: Referring to your late notes touching the duties on tonnage of Spanish vessels levied in the ports of the United States, I have the honor to advise you that information having been received from the United States minister in Spain that no differential duties are levied in any Spanish port, peninsular or colonial, on American vessels, and such information having been communicated to the Secretary of the Treasury, that officer has issued a circular upon the subject, three copies of which I inclose herewith.

Accept, sir, &c.,

WM. M. EVARTS.

[Inclosure.]

*Circular supplemental to circular 118, of September 7, 1877.*

TONNAGE-TAX OF 30 CENTS PER TON TO BE EXACTED ON SPANISH VESSELS.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,  
*Washington, D. C., October 29, 1877.**To collectors of customs and others :*

The following telegram to the Department of State, from the minister of the United States at Madrid, dated October 27, 1877, has been communicated to this department, viz :

"The minister of state assures me that no differential duties are levied in any Spanish port, peninsular or colonial, on American vessels."

In pursuance of this assurance that American vessels in Spanish ports pay no other or higher duties on tonnage than Spanish vessels, hereafter only 30 cents per ton tonnage-tax will be collected on Spanish vessels in American ports.

Collectors of customs are authorized and directed to transmit certified statements in all cases of the exaction at their ports, under protest, of tonnage-tax on Spanish vessels, at the rate of 80 cents per ton, in order that the excess of 50 cents per ton may be refunded.

JOHN SHERMAN,  
*Secretary.*

No. 477.

*Mr. Mantilla to Mr. Evarts.*

[Translation.]

LEGATION OF SPAIN AT WASHINGTON,  
*Washington, December 25, 1877.*

The undersigned, envoy extraordinary and minister plenipotentiary of His Catholic Majesty, has the honor to address the honorable Secretary of State of the United States for the purpose of informing him that, by a royal order of the 10th of the current month of December, received to-day at this legation, he is instructed to inform the Government of the United States of America that His Majesty the King of Spain, Don Alfonso XII, has determined to contract marriage with his august cousin, the Infanta Doña Maria de las Mercedes, daughter of their Royal Highnesses the Infantes Duke and Duchess of Montpensier.

In gladly performing this duty, the undersigned avails himself of this occasion to renew, &c.

ANTONIO MANTILLA.

No. 478.

*Mr. Evarts to Mr. Mantilla.*DEPARTMENT OF STATE,  
*Washington, January 12, 1878.*

SIR : I have the honor to acknowledge the receipt of your note of the 25th ultimo, in which, by the instruction of your government, you announce that His Majesty the King of Spain, Don Alfonso XII, has determined to contract marriage with his august cousin, the Infanta Doña Maria de las Mercedes, daughter of their Royal Highnesses the Infantes Duke and Duchess of Montpensier, and, in reply, to request that you

will communicate to His Catholic Majesty the congratulations of the Government of the United States upon this interesting event, which, it may be believed, will contribute in a high degree to His Majesty's happiness and the prosperity of the great country over whose destinies he presides.

Accept, &c.,

WM. M. EVARTS.

No. 479.

*Mr. Mantilla to Mr. Evarts.*

[Translation.]

LEGATION OF SPAIN AT WASHINGTON,  
*Washington, March 23, 1878. (Received March 25.)*

The undersigned, envoy extraordinary and minister plenipotentiary of His Catholic Majesty, in compliance with the desire to be accurately informed as to the present real condition of the island of Cuba, which was expressed to him by the honorable Secretary of State of the United States during their conference of Thursday, the 21st instant, takes pleasure in communicating the official information which he has received in relation to the latest phase and speedy termination of the civil contest in that island.

Without investigating the origin of the unjustifiable and useless Cuban insurrection, or enumerating the various causes, both internal and external, which have occasioned its duration for a longer time than it could have lasted under normal circumstances in Spain, or drawing a comparison between the ever-conciliatory policy of the Spanish Government and the until lately uncompromising one of the misguided sons of the mother-country, which task he thinks he could easily and triumphantly perform to the satisfaction of his countrymen and the enlightenment of foreigners, but which would require more time than he now has at his disposal, the undersigned will confine himself to a brief sketch of the most remarkable circumstances that gave rise to the latest events.

The insurrection having been broken by various causes, both internal and external, with its most active forces reduced by the action of time and the vicissitudes of the struggle to elements which were for the most part foreign, with no connection with each other, and having no direct interest in the future of the island, and having been conquered by the policy of energy in the field of battle, of generosity toward the misguided insurgents, and of clemency toward the vanquished, which was so happily inaugurated by Generals Jovellar and Martinez Campos, the present governor and captain-general of the island, and the general-in-chief of its army, the insurrection, I say, was in a visible state of decadence when, in October last, several of the most prominent Cuban leaders surrendered unconditionally to the Spanish authorities, and spontaneously undertook the task of bringing over to their pacific plans the few leaders of Cuban origin who still remained in the ranks of the insurgents.

Having been taken and tried by court-martial, by order of the general-in-chief of the Cuban forces, some of these leaders paid for their patriotic efforts at pacification with their lives; but almost at the same time the shadows of a legislative chamber and of a government of the imaginary Republic of Cuba, which never had any form or real life, nor foothold in any city, village, or hamlet, and which for some time had been wandering



through the thickest forests of the most inaccessible portion of the extensive and thinly-peopled region of Camagüey, were at last overtaken and surprised by small bodies of Spanish troops—the chamber in its mountain encampment and the head of the government while leaving that encampment on a political errand. The result was the dispersion of the so-called Chamber (House) of Representatives, the death of its presiding officer, Don Eduardo Machado Gomez, and some of its members, that of the Secretary of War, Lieutenant-Colonel la Rua, and the capture of the President of the so-called republic, Don Tomas Estrada, who was not tried by any court, but sent to Spain by the government.

The treatment received by Mr. Estrada from the time of his arrival at the Spanish headquarters, the consideration shown him during his brief stay in the Morro Castle at Havana, by the captain-general of the island, and the complaints made by him against his political friends and partisans, not only on account of their abandonment of him, but also of the accusations of disloyalty which had been made by them against him, form the subject of the last part of a letter written by him to one of them residing in New York, which was published on the 15th of December, in the Cuban newspapers of that city. That portion which is the most interesting of this long letter will be found in Appendix A.

Speaking of the aspect then presented by the insurrection in Cuba, one of its organs in New York, *La Independencia*, in its number for October 27, 1877, after referring to the latest news received from Cuba as grave and highly important, sought to make it appear less significant, expressing itself thus :

The news to which we refer is by no means improbable. We know what has happened in Cuba during the past year, and this news does not surprise us, it being, in our opinion, the *finale* of a great crisis which has been coming on in the insurgent camp since the citizen Tomas Estrada Palma became President of our republic, who, according to the Spanish dispatch, which we publish elsewhere, has been taken prisoner by a detachment of Spanish troops near Holguin, together with the secretary and several members of the legislative chamber. Suffice it to say that, according to all the private information that we have received during the past two months, it seems to be indubitable that *President Estrada and the chamber had been deposed by the liberating army*, and that they had consequently ceased to perform their official functions. \* \* \* The vitality of the Cuban insurrection does not depend and never has depended upon the government or the chamber; it depends exclusively upon the liberating army. \* \* \* The organization of the liberating army is such that a brigade, a regiment, a battalion, a company, or a party of twenty-five men can operate independently against the enemy in any department, without requiring any instructions save those of their immediate military officers, because their purpose is but one, and that is known by heart as well by the general, the soldier, by the negro as well as the white man, or the Chinese, viz, to make war on the enemy at all times, in all places, and by all means; with the gun, the machete, and the fire-brand. In order to do this, which is the duty of every Cuban soldier, the direction of a government or legislative chamber is not needed, the order of a subaltern officer, serving under the general-in-chief, is sufficient. Thus it is that *the government and chamber have, in reality, been a superfluous luxury for the revolution.*

What an admirable organization was this of the Cuban army, divided up into parties of twenty-five, the majority of them being negroes and Chinese, according to the organ of the insurgents! What wretched military tactics, according to which the use of the machete and the fire-brand was allowable! What consideration and respect appear to have been shown to the executive and legislative branches of the Republic of Cuba by the general-in-chief, who is represented as having deposed those branches and having proclaimed himself dictator! The article in which a full statement of this is made is given entire in Appendix B, that it may be placed on file in the Department of State, since it is too late to submit it to the consideration and examination of those who favor the recognition of the belligerency or independence of Cuba.

This article is full of the passion and exaggeration of the inflammable spirit of the Cuban emigrants who, in the secure asylum of this country, and abusing the generous hospitality of the United States, have for many years been lending aid and comfort to the Cuban insurrection, advocating the extermination of the Spaniards, and upholding the use of the murderous machete and of the torch of the incendiary as the principal means of securing the independence of the island, to which task they are still ardently devoting their efforts, although the contest has been abandoned by those whom these emigrants, without incurring any risk themselves, would have wished to see convert the splendid and rich soil of Cuba into a vast pile of ruins and ashes; but there is a great deal of truth in the description of the character lately presented by the insurrection and in the description of the insurgent bands which could no longer be called Cuban, and in the assertion that for such bands and such purposes the chamber and the government were a superfluous luxury.

This being the view taken by the few but still influential Cubans who remained in Camagüey, the center of the insurrectionary movement, and who were fighting for independence, not for the ruin of the island, having more confidence in the well-trying generosity of Spain than in the fatal counsels of the emigrants in this country, in January last they made proposals of peace to the general-in-chief, seeking to obtain a suspension of hostilities in the territorial zone in which the Cuban chamber and government then were; the former being composed of only six members, the latter having been dissolved by the capture of President Estrada, and the general opinion of the people and of the armed force being expressed in favor of the termination of the struggle, only very few dissenting, the majority co-operating in the work of peace, and all intrusting the powers of the republic to a revolutionary committee which was instructed to make proposals of peace to the general-in-chief. By the middle of February a capitulation was reached, the preliminaries of which are not yet known to the undersigned, but whose terms were published in an extra issued by the Havana Gazette, the original of which is transmitted in Appendix C.

The arrangement made with the central committee having been made applicable to all the departments of the island, some of the principal leaders of the insurrection, among them, the most prominent of all, Maximo Gomez, put themselves in communication with the other insurgent leaders, with a view of persuading them to put an end to the contest and to capitulate, and the revolutionary committee, which had assumed all the powers of the insurrection, commissioned Brigadier-General Gabriel Gonzales to inform, verbally, the representatives in New York of the dissolved government "of the events that had just taken place in the territory of the republic."

Meanwhile, the scattered bands of insurgents in Camaguey having been collected, on the 28th of February, which was the day appointed for the surrender, defiled in Puerto Principe before the general-in-chief of the Spanish army, amid the most enthusiastic acclamations, and on the day following, March 1, the undersigned received at New York the following telegram from the captain-general of Cuba:

HAVANA, March 1, 1878.

*To the Minister of Spain:*

Yesterday all the bands in the Department of Principe, to the number of about 1,000 men, with an equal number of women and children, surrendered, together with the central committee. Also, those of Sancti Spiritus and La Trocha, estimated at 800. Other surrenders are expected in a few days. The general-in-chief leaves Principe for the Oriental Department in order to accelerate matters.

On the same day that the formerly rebel forces of Camaguey surrendered, Brigadier-General Gonzales arrived in New York, having been deputed by the revolutionary committee of that territory (at the head of whom was the ex-president of the legislative chamber, formerly provisional president of the republic, and the author of some of its most severe decrees, especially of the one against Cubans who should listen to proposals of peace not based upon the recognition of the independence of Cuba) to notify the representatives of the dissolved government of the events that had taken place in the territory of that ex-republic, which representatives, notwithstanding the recent public manifestations of some of them against the probability of the reported surrender of the insurgents without a recognition of Cuban independence, yielding to irresistible force of facts, recognized as no longer doubtful the dissolution of the Cuban chamber and government, and hastened to declare that "they no longer exercised the functions confided to them by said government." The document in which this declaration was contained, was sent on the evening of the 1st to the newspapers at New York, and was printed in full in the *New York Herald* of the 2d, and published on the 9th in the Cuban revolutionary organ called *La Independencia*, in the form shown by the printed slip found in Appendix D.

Since that time all the newspapers in the United States have been full of telegraphic news concerning surrenders in Cuba of more or less numerous parties, under more or less prominent leaders, concerning hopes of speedy and absolute peace, concerning the feelings of fraternity and forgetfulness of the past now prevailing among those who were yesterday fighting on hostile fields, of which hopes and feelings the consul of the United States at Havana became the organ in a communication of the 5th to the Department of State, an extract from which was published in the Washington papers, and concerning the indignation with which the capitulating Cuban leaders and the sympathizers in Cuba, with the cause defended by them, regarded the warlike declarations of the uncompromising revolutionists in New York, and the purpose which was publicly expressed by them to organize fresh expeditions to prevent the complete pacification of the island; but the governor captain-general of Cuba, who acts in everything, especially in matters of so grave a nature as the one in question, with as much sincerity as circumspection, addressed to the undersigned in that relatively long space of time the following telegram only:

HAVANA, March 19, 1878.

*To the Minister of Spain at Washington :*

Yesterday ended the surrender of the insurgent forces of the Villas, whose territory is now entirely free. Those who surrendered were Major-General Roloff, Brigadier-General Maestre, 3 colonels, 55 officers, 404 private soldiers, and about 100 women and children. The bands in Bayamo, Manzanillo, and Tiguani had already surrendered on the 8th, with Modesto Diaz, so that the country is completely pacified as far as Holguin.

JOVELLAR.

As is seen by the foregoing telegram, and as may be verified by consulting a map of Cuba, the pacification of the island is far advanced, but it is not yet complete and definitive. Nevertheless, the civil and military authorities of Spain, reciprocating the good faith with which the capitulators of Camaguey fulfilled the terms of their capitulation, on the day after they had defiled in Puerto Principe before the general-in-chief of the army, that is to say, the 1st day of March, in strict fulfillment of Article I of said capitulation, issued a decree of the same date, which

was published in the Havana Gazette of the 3d, and which the honorable Secretary of State will find in Appendix E.

By this decree it is provided that the island of Cuba shall be represented in the Cortes of the kingdom at their next session; that its government and local administration shall be modeled according to the municipal and provincial laws of the Peninsula, as they are in force in Porto Rico, and that the Government of His Majesty shall be requested to introduce in the island of Cuba, in the manner prescribed in article 89 of the constitution of the monarchy, the other laws which have been or which may hereafter be promulgated in the Peninsula. In virtue of Article I of the aforesaid decree, the undersigned thinks that, according to the census of its population, Cuba will be entitled to at least twenty deputies in the Cortes, in addition to the senators chosen by the people according to the electoral law, and to those whom it already has of its own right or by virtue of royal appointment.

In the decree in question the phrase is to be noted with which its preamble begins: "The war being now near its end" (not a regular war in the sense in which it is defined by international law, but an intestine struggle, civil contest, or armed rebellion, which in the military parlance of the Spanish language is commonly called war), which phrase shows that said military authorities do not consider the contest to be entirely at an end, although its termination is very near.

The first sentence in the second paragraph of the same preamble is also noteworthy, in which it is declared that had it not been for this contest, "Cuba would long since have enjoyed, according to the constitution of the state, the advantages which must necessarily accrue to her from a possible assimilation to the Peninsula," which shows that the prevailing sentiment in Spain is in favor of treating Cuba as Porto Rico has been treated, that is to say, like a Spanish province, although she could not grant to rebellious subjects what they demanded with arms in their hands, namely, absolute independence during a time of trial for the mother-country, nor even what she was always ready to grant them voluntarily, and what she has now granted, at a time of greater prosperity for herself, to them, now that they have repented and sued for peace, which is an act of generosity and a guarantee of reconciliation.

A decree of the general-in-chief of the army of operations in the island of Cuba was also inserted in the Havana Gazette of the 3d. This was issued at Puerto Principe, on the 10th of March, and will be found in Appendix F. It guarantees the freedom, which was offered in article 3 of the capitulation, of all slaves who were in the ranks of the insurgents on the 10th day of February, and who have surrendered or who shall surrender before the 31st day of the current month of March.

Articles 5, 6, 7, and 8 of the capitulation have been fulfilled already, or are now in course of fulfillment, toward all who are willing to take advantage of their benefits. Article 4 requires no immediate action, and article 2 has always constituted the distinguishing trait of the Spanish policy in Cuba. Forgetfulness of the past, pardon of political crimes, release of property embargoed for the same cause, mitigation of the effects of these embargoes as regards the innocent members of the families of those whose property has been embargoed, and even the furnishing of means of subsistence to repentant rebels; all this has been frequently offered or granted by the government and authorities of Spain from the time of the decree of amnesty, issued on the 12th of January, 1869, by the governor captain-general of the island, Don Domingo Dulce, who was sent by the revolutionary government of 1868 to establish in Cuba the same liberties and franchises that were enjoyed by the Peninsula,

until the royal decree of October 27, 1877, by which the unimproved public lands, certain forests belonging to the state, and town lands not used, are ordered to be divided among various classes, viz: 1st, licentiatees and volunteers who have been mobilized or who have taken part in a battle; 2d, inhabitants of the towns of the island who have remained loyal to the government, and who have suffered considerable losses of property in consequence of the war; 3d, *persons who have voluntarily surrendered to the authorities and forces of the government.*

The reproduction and analysis of all these general acts, and many other private ones of pardon, clemency, and generosity, would render this note interminable, which had no other object, as remarked at the beginning, than to satisfy the desire of the honorable Secretary of State to become accurately acquainted with the present situation of Cuba, but which the undersigned, in his wish to correct false impressions which have been circulated by the conspirators against Spain in this country, has thought proper to extend sufficiently to indicate succinctly the policy of Spain in Cuba and the causes that have given rise to the recent events. Although the Government of Spain does not recognize the right of any foreign power to interfere in the internal affairs of that country, it values too highly the opinion of the sensible people of the United States and the friendship of its government, for its representative at Washington to neglect an opportunity like the one now offered to present, in their true aspect, the acts, intentions, and constant policy of Spain in her relations with the island of Cuba.

If it were necessary, or the honorable Secretary of State should desire it, the undersigned would amplify and prove, by means of trustworthy documents, the assertions which he has just made, and he proposes shortly to show that the only obstacle that can now retard, not absolutely prevent, the complete pacification of Cuba is the war-cry and the false promises of immediate aid which are once more sent from New York by the Cuban conspirators, who urge in public meetings the continuation of the struggle which is now so near its end. And it is a remarkable fact that in this struggle, by a sad fatality for the liberators of Cuba, a fatality which could not escape, and which has not escaped, the observation of the American people and the perspicacity of its enlightened press, foreigners have been its principal leaders, those who have most zealously maintained it, and who have most distinguished themselves in it: Jordan and Reeve, Americans; Maximo Gomez and Modesto Diaz, Dominicans; Roloff, a Pole; Caoba and Maceo, the one an African and the other a semi-African; Prado, the captor of the Montezuma, a Peruvian; and, finally, not to mention any more names, Gonzales, a Mexican, who was deputed by the revolutionary committee of Camaguey to announce the dissolution of the legislative chamber and of the government of the republic to its representatives in the United States. Even the diplomatic commissioner of Cuba abroad, Echevarria, who less than a month ago proclaimed throughout the length and breadth of this great country, by a circular telegram from the Washington agency of the Associated Press, that the news of the submission of the greater part of the insurgent leaders was false, and that they would accept no terms not based upon the recognition of Cuban independence—even that diplomatic agent whom the honorable Committee on Foreign Relations of the House of Representatives of the United States, having charge of Cuban affairs, received and listened to with interest, in the belief that he was a son of Cuba, is no Cuban at all, but a Venezuelan.

If an insurrection composed of such antagonistic elements as the Latin, African, Mongolian, and Anglo-Saxon races, led on by officers of all

known nationalities, could have triumphed, the confusion of tongues at the Tower of Babel, and the memorable catastrophe which took place in the formerly French portion of the island of Santo Domingo, would have been cast into the shade by the spectacle which victorious, free, and africanized Cuba would have presented to the civilized world.

The undersigned avails himself, &c.

ANTONIO MANTILLA.

No. 480.

*Governor-General Jovellar to Mr. Mantilla.*

(NOTE.—The following paper was handed to the Assistant Secretary of State, on the 8th of June, 1878, by the secretary of the Spanish legation in Washington.—S. A. B.)

LEGATION OF SPAIN,  
June 7, 1878.

HAVANA, June 7, 1878.

All the insurgent chiefs remaining in the field have accepted the peace capitulations. The greatest part of the bands still remaining in the eastern department have already laid down their arms, including the band under the command of Vicente Garcia, who is to leave to-day for St. Thomas. The few bands that have not yet presented are concentrating their men in order to lay down arms. It is not likely that any armed force whatsoever will remain in the field, although a few tramps may continue to infest some districts. The strife may be considered to be at an end. There is a great and general satisfaction all over the island. The general-in-chief will arrive here on the 11th, on which day the feasts for the celebration of peace will begin. These are in course of preparation with great enthusiasm.

No. 481.

*Mr. Mantilla to Mr. Evarts.*

[Translation.]

LEGATION OF SPAIN AT WASHINGTON,  
New York, June 14, 1878. (Received, June 15.)

The undersigned, envoy extraordinary and minister plenipotentiary of His Catholic Majesty, has the honor to address the honorable Secretary of State, with a view to obtaining from the Federal Government reparation for some of the consequences arising to several Spanish vessels from the strict enforcement of the provisions of the circular of September 7, 1877, concerning the exaction of tonnage-dues from vessels which have entered the ports of the United States, and which do not belong to the nations expressly excepted in said circular.

The Spanish bark *Los Amigos*, Captain Echevarria, from Havana, entered the port of Pascagoula on the 19th of October, 1877, where, on the same day, the captain was required to pay the ordinary duty of 30 cents per ton, and also the extra duty of 50 cents, in pursuance of the

provisions contained in the aforesaid circular of the Treasury Department. Notwithstanding the concluding period of the last paragraph of the circular in question, either Captain Echevarria was not specially notified of his right to protest and appeal, or, if he was, this was done in general terms, not within the scope of Captain Echevarria's intelligence, he being unfamiliar with the laws of the country, and not even understanding the English language. At all events the vessel in question sailed for Bordeaux on the 20th of September, 1877, her captain not being aware of the right which he had to protest and appeal against the extra charge of 50 cents per ton which was exacted of him by the collector of customs of Pascagoula.

Meanwhile the note of this legation to the Department of State bearing date October 19, the telegram from the minister of the United States at Madrid of the 27th of the same month, and the other data collected by the Department of State and the Treasury Department, convinced the latter of the error which had been committed in excluding Spain from the list of nations exempted from the extra tonnage-duty, and by a circular to the collectors of customs and others, dated October 29, it was not only ordered that Spanish vessels entering American ports should thereafter be required to pay a duty of only 30 cents per ton, but the said collectors were instructed to forward to the Treasury Department certified lists of all exactions made in their ports of Spanish vessels at the rate of 80 cents per ton in order that the excess of 50 cents might be refunded.

Captain Echevarria, on his arrival at Bordeaux, was appraised of this, and on the 15th of January, 1878, he addressed a letter to the vice-consul of Spain at Pascagoula, requesting him to endeavor to obtain from the collector of said port the return of the \$202.50 which was the amount of the charge of 50 cents per ton which had been unduly exacted of him. The aforesaid collector informed the vice consul in reply that he could not return the amount in question, inasmuch as the payment had not been made under protest, but that if the captain furnished evidence that he had been unable to protest, he would undoubtedly be entitled to the return.

As the honorable Secretary of State will see at once, the evidence required by the collector of customs at Pascagoula cannot be easily furnished, both because of the absence of the captain of the bark *Los Amigos* and because his failure to protest was due solely to his ignorance of the regulations then in force in this country, and of the English language; however, fortunately, no proof is necessary in this case, because the appeal which the undersigned has been instructed by his government to make to the sense of justice and equity of that of the United States is founded upon high principles of public law, and upon generally received international usage.

There existed between the government of the United States and that of Spain, if not a formal treaty, at least an express agreement, based upon diplomatic correspondence between Mr. Gōñi, one of my predecessors, and the Department of State, which began in 1868 and resulted in the passage of a law in 1869, and the making of a declaration, which is contained in section 4231 of the Revised Statutes, and which provides that "in the ports of the United States no other nor any heavier tonnage-duty shall be imposed upon Spanish vessels than is imposed upon United States vessels in the ports of Spain." That section, 4231, was left unchanged by the law of February 27, 1877, which, as is therein declared, was only intended to amend section 4219 of the aforesaid statutes.

Consequently, in the exclusion of Spain, in the circular of September 7, 1877 (which was issued to regulate the execution of the law of Febru-

ary 27), from the list of nations exempted from the discriminating duty of 50 cents per ton imposed by said law, a clerical error, but a serious one, was committed, the consequences of which the Treasury Department has hastened to repair by its circular of October 29, of the same year, and they should in no wise affect Spanish vessels whose captains, through absolute ignorance or an excusable error, neglected to protest or appeal, as they had a right to do, within the period established by law for ordinary cases. When governmental departments, as wary as that of the Treasury of the United States, permit grave oversights to occur—as when that department failed to include Spain among the nations enumerated in the circular of September 7, notwithstanding the express stipulation with the Government of Spain and of the express provisions of section 4231 of the Revised Statutes, it is natural and excusable for mere captains of vessels, ignorant of the laws and of the language of the country, to commit acts of negligence or errors like that committed by the captain of the *Los Amigos* and others of the same character which perhaps might be cited.

Basing his action upon these and other considerations of international justice, the undersigned, in obedience to instructions received, has the honor to request the Government of the United States to be pleased to adopt some regulation of a general character, in virtue of which the amount of the extra duty of 50 cents per ton which they were compelled to pay while the circular of September 7, 1877, was in force, may be refunded to the captain of the bark *Los Amigos* and to all other captains of Spanish vessels who may have been subjected to like payments under the same or similar circumstances, even though they may have failed, through ignorance, neglect, or for any other reason, to protest, as they are permitted to do by said circular.

This protest is a secondary requisite, the lack of which in international matters cannot affect the essential fact that an undue exaction was made, contrary to the stipulations with Spain, by virtue of a measure whose inadmissibility with respect to Spain has been recognized by the Treasury Department itself, which adopted it. This renders it the duty of the Government of the United States to repair the error committed in all its consequences, without limitations of an internal character which are in strictness applicable to ordinary cases, but not to one so extraordinary and special as the one in question.

The undersigned avails himself, &c.,

ANTONIO MANTILLA.

---

No. 482.

*Mr. Mantilla to Mr. Evarts.*

[Translation.]

LEGATION OF SPAIN IN WASHINGTON,  
New York, June 26, 1878. (Received June 27.)

The undersigned, envoy extraordinary and minister plenipotentiary of His Catholic Majesty, affected by the most profound feelings, performs the sad duty of communicating to the honorable Secretary of State of the United States, for the information of the President of the Republic and of the government of which he is the head, that he has just received a telegram from the minister of state of His Majesty the



King of Spain, notifying him of the death, at a quarter past twelve o'clock to-day, of Her Majesty the Queen, Doña Maria de las Mercedes de Orleans y Borbon, resulting from a nervous gastric fever.

Upon this sad occasion the undersigned has the honor of renewing, &c.,

ANTONIO MANTILLA.

---

No. 483.

*Mr. Evarts to Mr. Mantilla.*

DEPARTMENT OF STATE,  
*Washington, June 27, 1878.*

SIR: I have had the honor to receive through Count Brunetti, first secretary of your legation, who called in person to deliver it, your note of the 26th instant, conveying to me, for the information of the President and Government of the United States, the melancholy tidings of the death of Her Majesty the Queen Doña Maria de las Mercedes de Orleans y Borbon, on the 26th, of a gastro-nervous fever.

The sad bereavement which has thus fallen upon His Majesty the King, Don Alfonso XII, and upon the whole Spanish people, could not but awaken on the part of the President and people of the United States feelings of the deepest regret and sympathy, the expression of which was at once manifested upon the receipt of a telegram from Minister Lowell, announcing the afflictive event, by the dispatch of a telegraphic instruction at an early hour to-day to the representative of the United States at Madrid, directing him to express, through the minister of state, the President's profound sympathy with the King and people of Spain in their deep affliction.

Accept, &c.,

WM. M. EVARTS.

---

No. 484.

*Mr. Evarts to Mr. Mantilla.*

DEPARTMENT OF STATE,  
*Washington, July 9, 1878.*

SIR: Referring to your note of the 14th ultimo, in regard to reparation for some of the consequences arising to several Spanish vessels from the strict enforcement of the provisions of the circular of the Treasury of September 7, 1877, concerning the exaction of tonnage dues from certain vessels, I have the honor to inform you that the subject of your note having been referred to the Secretary of the Treasury, a communication has been received from that department, stating that the provisions of section 4231, Revised Statutes, exempted only such vessels of Spain from tonnage dues, exceeding the ordinary rate of 30 cents per ton, as came from ports in Spain or her colonies where no discriminating or countervailing duties on tonnage were levied on vessels of the United States; and that, under the law of February 27, 1877, that department could pursue no other course than to omit Spain from the list of exempted nations until it was known that no discriminating duties were levied on vessels of the United States in any ports under her dominion.

The Secretary adds:

It is perhaps unnecessary to remark that, upon assurances received from Madrid, the vessels of Spain have been put upon the exempt list. In the case of the *Los Amigos*, therefore, this department, upon inquiring into the circumstances of the payment of the tax of 50 cents per ton in excess of ordinary rates, will refund the money, if it is in its power to do so, and if the proper person to receive the money be designated; or, if it cannot make the refund, the department will submit the case to Congress for an appropriation.

Accept, &c.,

WM. M. EVARTS.

No. 485.

*Mr. Mantilla to Mr. Evarts.*

[Translation.]

LEGATION OF SPAIN AT WASHINGTON,  
*Saratoga, July 12, 1878.*

The undersigned, envoy extraordinary and minister plenipotentiary of Spain, has the honor to inform the honorable Secretary of State of the United States that he received yesterday evening a telegram from the minister of state at Madrid, in which the latter orders him to express the gratitude of His Majesty the King to the President of the Republic and the Government of the United States for their telegram of condolence on account of the death of Her Majesty Queen Maria Mercedes Orleans y Borbon, and for the authorization given to Mr. Lowell to represent them at the funeral ceremonies of the 17th.

The undersigned avails himself of this occasion to renew to the Hon. William M. Evarts the assurances of his most distinguished consideration.

ANTONIO MANTILLA.

No. 486.

*Mr. Brunetti to Mr. Evarts.*

[Telegram.]

LEGATION OF SPAIN AT WASHINGTON,  
*Washington, October 26, 1878. (Received October 26.)*

The undersigned, chargé d'affaires of Spain, has the honor to place in the hands of the honorable Secretary of State of the United States, the annexed copy of a telegram received this morning at this legation, in which the president of the council of ministers of Spain relates the attempt of assassination upon the person of the King, which happened yesterday while His Majesty was in the act of entering Madrid, which attempt happily has not had any result.

The subscriber avails himself of this occasion to reiterate, &c.,  
J. BRUNETTI.

[Inclosure.—Translation.]

[Telegram.]

*His Excellency the President of the Council of Ministers to the Chargé d'Affaires of Spain at Washington.*

MADRID, October 25, 1872.

After a truly triumphal journey through the provinces, the King has to-day returned to Madrid, where he has been received with the greatest proofs of loyalty and enthusiasm. Near the Plaza de la Villa an individual, mingled with the crowd, discharged a pistol-shot at the King, fortunately without any effect whatever. His Majesty, who saw the flash, slackened the pace of his horse and went on tranquilly to the palace. The captain-general of Madrid, who was riding at the side from whence the shot came, arrested the aggressor, who was immediately pointed out by the persons who surrounded him, and who aided in his detention on the spot. A cheer arose from the persons who saw the occurrence, which, however, was not noticed until a few moments afterward by the rest of the people. There is universal indignation. The criminal, who is a cooper by trade, has openly confessed his crime, declaring that he is an international socialist, and that he came four days ago from Tarragona expressly in order to commit it. It is known, moreover, that the crime had been premeditated for some time.

## SWEDEN AND NORWAY.

No. 487.

*Mr. Andreus to Mr. Evarts.*

No. 408.]

LEGATION OF THE UNITED STATES,  
*Stockholm, August 22, 1877. (Received September 12.)*

SIR: Having been struck by the recent remark of one of the leading daily newspapers of New York, that the swarm of Norwegian (and Italian) shipping in that port was the phenomenon of the time, it occurred to me that it would be useful to present to the Department a statement of the average wages and cost of subsistence of seamen on American and on Norwegian merchant vessels at the present time. Accordingly, in June last I addressed inquiries on those points to the collectors of customs at New York and Boston, and to the United States consuls at the two principal ports of Norway—Christiania and Bergen; all of which officers, I take pleasure in saying, responded fully with the utmost promptitude. And although their answers have been on my table for several days, I have not had time till now to make use of them.

According to the statement of 12th July of this year, by Mr. Hopper, as furnished by the collector of New York, the wages of seamen (ordinary seamen understood) at that port on foreign voyages were from \$18 to \$20 per month, with one to two months' pay in advance; and in the coasting trade \$25 per month. The statement of Mr. John Babson, United States shipping commissioner at Boston—also of July 12—as furnished by the collector at Boston, shows that the average wages of seamen there were, for coasting, West Indies, Europe, &c., \$18 per month—one month's pay in advance; and for the East Indies, Melbourne, California, &c., \$15 per month—two months' pay in advance.

The average wages of ordinary seamen at Christiania, Norway, say the last of June, were from \$8.75 to \$9.75 per month in gold. At Bergen the average rate was \$10 per month. The wages of "able" seamen at Christiania were from 48 crowns (\$12.84) to 56 crowns (\$15) per month. The wages of a first mate in Norway are 80 crowns (\$21.44) per month; those of a master the same and 5 per cent. of the freight.

In regard to subsistence it appears that both at New York and Boston, seamen usually waive the ration fixed by law and accept such as is usually provided on ships.

The ration common on vessels out of New York is stated to be as follows:

“Sunday: Salt beef, pork, potatoes, and pudding. Monday: Salt beef, pork, and potatoes. Tuesday: Same, with beans or pease. Wednesday: Same, with rice. Thursday: Same, with beans or pease and pudding. Friday: Salt beef, pork, or fish. Saturday: Salt beef, pork, and beans. In addition, tea, coffee, sugar, molasses, and vinegar; also government allowance of lime-juice. Sometimes canned meats are substituted for others.”

The shipping commissioner at Boston, after quoting the ration required by law for the crew, which is, in brief, one pound of bread, one-eighth ounce tea, one-half ounce coffee, two ounces sugar, and three quarts water per man a day, with one and one-half pound beef, four times a week, one pound and one-quarter pork, and one-half pound flour three times a week, in addition to the issue of lime and lemon-juice, and with some privileges of substitution, states that—

This scale is not generally followed, as seamen are not satisfied with it, but prefer and agree to leave it with the master to furnish. On a majority of American ships canned fresh meats are used from which soups are made; twice a week baked beans and pork are provided: and Saturdays salt fish when there are potatoes on board. Duff with or without plums twice a week, coffee, soft bread, sometimes butter, Irish stew or hash for breakfast. Tea with cold meat and hard bread generally for supper. In a majority of ships a pot of hot coffee is prepared for the morning watch. A barrel of hard bread, with plenty of water, is placed in the fore-castle to be eaten whenever the men desire it.

It would seem that the ration in use for our seamen is about as good as the Army ration, except perhaps the supply of fresh meat; and our Army ration is well known to be ample.

Mr. Consul Gade reports that the ration for a seaman on vessels belonging to Christiania is as follows: One pound of salt meat three times a week; half a pound of salt pork three times a week; half a pound salt fish once a week, generally Saturdays; one pound of bread a day; one pound of butter a week; two pounds of coffee a month; and the quantity of tea, barley, pease, sugar, and sirups that the master judges necessary. Potatoes, mustard, and pepper are allowed on some vessels. When salt fish is not at hand salt pork is issued instead. The cost of the ration at Christiania is estimated at 32 cents per day.

The ration agreed upon by the Shippers' Union of Bergen, as furnished me by Mr. Consul Gran, though estimated to cost the same, appears to be more liberal than that at Christiania; at least the allowance of salt meat, pork, and fish is a quarter of a pound more as to each article per man than at Christiania.

Barley grits, which are a wholesome and common article of food in Norway, are allowed four times a week without stint in the Bergen ration, and they are probably common in the ration of the Norwegian seamen.

I have the impression that the living on American vessels is better than that on Norwegian vessels; and yet it is hardly probable that the cost of the American seaman's ration is over 32 cents per day, the amount which is stated as the cost of the Norwegian ration. As to the cost of subsistence, the merchant marine of the two countries would seem, then, to be about on an equal footing.

But in regard to wages we have seen that there is quite a difference, though not so much as would perhaps be expected; the seaman at Bos-

ton receiving as low wages as \$15 per month, and the seaman at Bergen receiving \$10 per month.

I am, &c.,

C. C. ANDREWS.

---

No. 488.

*Mr. Stevens to Mr. Evarts.*

No. 13.]

UNITED STATES LEGATION,  
*Stockholm, April 12, 1878. (Received May 4.)*

SIR: Perhaps it is but proper respect due to this government that I should report to the Department of State a brief account of a visit made by me yesterday to the quarters of the naval recruits in Stockholm.

The day previous Admiral Lagercrantz informed me that these recruits, who had been drilling the past seven months, would be reviewed by the King, and asked me to be present. Immediately after, while I was walking through one of the principal squares of the city, the King recognized me and renewed verbally in person the request which the admiral had made to me. I was promptly at the naval quarters at the specified hour. The exercises took place in a large building, divided into two spacious rooms or halls, which are fitted up with the necessary agencies and apparatus for training the men in all the varied exercises which the present methods of naval armament and naval warfare call into use. All parts of the ship, rigging, outfit, and arms are illustrated.

In one of these large halls took place the various gymnastic and military exercises, as well as the handling of the spars, ropes, sails, and other mechanical fixtures of the ship. In another room, directly accessible from the first, was the exact counterpart of the upper deck of a man-of-war, with heavy guns, breech and muzzle loaders, rifle and smooth-bore, with the necessary machinery and fixtures for working them. It was interesting to witness the astonishing precision and rapidity with which these young men, who had been in training but seven months, went through their exercises. Though the minister of the naval department was present, the King himself took the lead in the rigid and thorough examination during nearly three hours, while these recruits went through their varied exercises without repetition.

It will be remembered that the present King Oscar was trained in the Swedish navy, and served for years as a naval officer, while his father and brother were on the throne. These naval recruits are taken from the coast districts, are kept in service one year, and are then sent to their homes. They are liable to be called on for national defense at the command of the government any time during twenty years from the date of the commencement of their naval training. Enough are drilled in this way annually so that there shall be constantly on the naval lists 6,000 able-bodied seamen who have had this one year's training.

The next five months the young men reviewed yesterday will spend in active service on shipboard in the Baltic and North seas.

There were present at this review yesterday the ministers of England, France, Germany, Italy, Portugal, Netherlands, and Denmark.

The two noticeable and chiefly important facts which I would bring out in this brief communication are the special personal attention which the King devotes to the practical details of government, and the superior character of these naval soldiers, whom Sweden has at its call without imposing a very heavy annual outlay.

To-day the King left Stockholm for a two weeks' visit at Heidelberg, Germany, where the Queen has been residing for a year or more for special medical treatment. Her health is understood to be improving.

I have, &c.,

JOHN L. STEVENS.

---

No. 489.

*Mr. Stevens to Mr. Evarts.*

No. 21.]

UNITED STATES LEGATION,  
*Stockholm, July 29, 1878. (Received August 19.)*

SIR: Under date of May 23, 1877, the Secretary of State gave my predecessor at this legation, instructions relative to the visit of General Grant in European countries, in the following terms:

I desire to invite the aid of the diplomatic and consular officers of the government to make his journey a pleasant one should he visit their parts. I feel already assured that you will find patriotic pleasure in anticipating the wishes of the Department by showing him that attention and consideration which are due from every officer of the government, to a citizen of the Republic signally distinguished both in official service and personal renown.

As a national duty and a personal pleasure, I have sought to carry out the above instructions in terms and spirit.

June 1, I received a letter from M. J. Cramer, United States chargé d'affaires at Copenhagen, saying that General Grant would visit Sweden in the earliest days of July. Meeting the King soon after on one of his reception days at the palace, at which I had called for the presentation of an American citizen, I informed His Majesty, verbally, of the proposed visit of General Grant to his capital, which intelligence he received with marked cordiality. On the following day I communicated the same information to the minister of foreign affairs, in a brief note.

June 8, I received another letter from Mr. Cramer, informing me that General Grant would arrive some days later at Copenhagen than he had contemplated, which would make his visit farther north correspondingly later, and I promptly informed the department of foreign affairs accordingly. Instead of taking the direct route from Copenhagen to Stockholm, General Grant determined to visit Norway first. On the 12th of July he embarked on board the steamer at Copenhagen for Christiania. Stopping a few hours at Gothenberg July 12, he took the same steamer in the evening and reached Christiania the following day, July 13. By appointment made some time previously, the King had arranged to leave Stockholm July 18, for Norway, where he was expected to remain some weeks.

Fearing it possible that General Grant might leave Norway before the arrival of His Majesty at Christiania, he expressed his earnest wish through the department of foreign affairs and this legation, and I think also through a Norwegian official, that General Grant should prolong his visit sufficiently in Norway to enable the King to meet him at Christiania.

General Grant called on His Majesty at his palace in Christiania, and the King promptly returned the call, and the following day gave a dinner-party in honor of the ex-President.

July 22, General Grant took the express train from Christiania, and arrived in Stockholm on the morning of July 23. The undersigned and Colonel Elfving, the United States consul here, received him and his lady at the railway station and conducted them to their hotel.

During the day the general busied himself in the usual observations

of points of interest in the city and its environs. On the following day, July 24, the General and Mrs. Grant dined at my residence with myself and family, members of the Swedish cabinet, including the minister of state, other Swedish officials, and the foreign ministers. At a later hour of the same day a reception was had, honored by the presence of the dinner guests and largely increased by the attendance of the chief government officials and their ladies remaining in the capital in summer, some of them coming from their summer residences at a distance in the country to pay their respects to the distinguished American citizen.

On the following day, July 25, in the evening, a large association of mechanics and laboring men visited General Grant at his hotel by appointment, to pay him their respects. Their numbers were increased by other Swedish citizens to four or five thousand persons, who gathered in front of Grand Hotel, one of the largest and most extended in Northern Europe. They behaved with great decorum. The general addressed them in a few appropriate words.

It is proper for me to say that prior to the arrival here of General Grant, I had been consulted by the representative of this association, who requested me to consult General Grant as to his permission to receive the visit of this assemblage of Swedish citizens. I deemed it proper to state the proposition verbally at the department of foreign affairs, and the response was frankly and cordially in the affirmative.

The royal yacht was placed at the disposition of the ex-President, in command of an officer of the Swedish navy, which was made use of in two excursions on different days—one to the royal palace at Ulricsdol, some eight or ten miles distant, and the other excursion to Drottningholm, the summer palace of the royal family, some five miles up the Maelas.

Throughout his entire visit here General Grant has been received with earnest, orderly, and most respectful enthusiasm.

Saturday, July 27, in the afternoon of a clear and most beautiful day, the distinguished visitor took the steamer for St. Petersburg. The vessels in the harbor were crowded with national flags from deck to topmost spar, and the front of his hotel and an extensive space on the quay were packed with the thousands eager to see and to do respect to the man whose life and services for fifteen years had been so closely identified with the history of a great people in the other hemisphere—a land which many Scandinavians have found a land of promise, and to which thousands of others look with eager hope.

I have, &c.,

JOHN L. STEVENS.

---

No. 490.

*Mr. Stevens to Mr. Evarts.*

No. 25.]

UNITED STATES LEGATION,  
*Stockholm, August 31, 1878. (Received September 27.)*

SIR: The International Prison Congress, recently in session in this city, concluded its deliberations and adjourned August 26. As the United States Government, to a certain extent, has given its sanction to the meeting of this assemblage, it is presumed that the Secretary of State may expect me to give some account of its proceedings. While the undersigned carefully refrained from taking any part in the discussions and doings of this body, he has sought to obtain a clear apprecia-

tion of the weight and character of its members, and the tone and general scope of its views and action. It is safe to premise that it has been an assemblage of high intelligence and of earnest purposes and resolutions. This is the second prison congress of an international character that has been held, the first having taken place in London in 1872.

Both of these congresses were largely the outgrowth of the efforts of an American gentleman, who has devoted many years with signal energy to questions of prison management, and especially to bringing about international action and exchange of views on the subject—Rev. Dr. E. C. Wines.

There were special reasons for the meeting of the congress in Stockholm. It was invited here at the express wish of the King, in whose family a special interest in prison discipline and the prevention of crime has long been manifested. The work of Oscar I on "Crime and Punishment" has attracted wide attention and exerted a marked influence in Europe in respect to the questions of which it treats, and the present King has manifested a lively interest in the views and efforts of his father. The congress held its sittings in the "House of Nobles," a building erected some centuries since, and associated with memorable events in Swedish history. In it, 350 years since, Gustavus Vasa received popular homage as the country's liberator from Danish domination, and here 250 years ago Gustavus Adolphus delivered his farewell address to his countrymen, and committed to their keeping his young and gifted daughter before leaving Sweden forever as the great Protestant commander in the opening years of that terrible historic drama, the "Thirty years war." The walls of this venerable room are covered with the portraits and shields of the most eminent men in Swedish history, running back many centuries, nearly 600 years in all.

Elaborate preparations had been made to receive the congress both by the Swedish Government and the municipality of Stockholm. When the day for the opening of the congress arrived, it was found that an unexpectedly large number of delegates were ready to take part in the deliberations—more than 200 in all. More than 60 were official delegates appointed by the principal European and American governments. The remainder were invited representatives, persons whose convictions and experience had qualified or inclined them to take part in the discussion of the questions to come before the congress.

France sent several men of distinction, among whom were A. Chopin, the general director of the French prisons; E. Mechaux, the director of the prison department of the colonies; Alf. Michou, chief of the bureau of the department of interior; E. Yvernes, chief of the bureau of the department of justice; M. Vanier, judge of the tribunal of the Seine.

Russia had seven delegates in the Congress, at the head of whom was the president of the prison commission of the Russian Empire, C. Grot, a member of the council of the empire.

From Germany came M. Illing, general director of Prussian prisons; Professor Dochow, of the University of Halle; Statke, counselor and reporter to the department of justice, Krone, director of the penitentiary at Rendsburg; E. Meft, director of the penitentiary at Munich, and others.

Austria-Hungary was represented by Csmeji, secretary of state; Edelmann, counselor of the department of justice; E. Touffer, director of the Central prison at Leopoldova.

Italy was ably represented by Beltrani-Scalia, inspector-general of prisons; Brusa, professor of penal law; Cavonico, counselor of the



court of cassation; Persina, professor of criminal law at the University of Naples.

Belgium sent Berden, administrator-general of prisons; Deschamps, professor of the University of Louvain; and Thonissen, member of the Belgian parliament.

Denmark had in the congress sixteen members, headed by the general director of prisons.

Sweden had a large representation, among whom were O. M. Björnstjerna, minister of foreign affairs; G. F. Almquist, general director of prisons and member of the Swedish senate; B. Alsarscon, professor of criminal law at the University of Lund; K. Olivecrona, judge of the supreme court; T. W. von Otter, minister of marine; G. Ugglos, governor of Stockholm; J. Hagströmer, professor of criminal law at the Upsala University.

Netherlands was represented by B. J. Ploos von Amstel, president of the commission of prisons, and by M. S. Pols, advocate-fiscal of the army.

Switzerland had an able representative in Dr. Guillaume, director-general of Swiss prisons, assisted by Chaplain A. Wysard.

Portugal, Norway, Greece, Brazil, and the Argentine Republic sent delegates. England sent no delegate designated by the government, but several English gentlemen were here as representatives of private organizations, including Sir Douglass Forsyth, Sir George Arney, recently chief justice of New Zealand; Dr. F. J. Monat, of the poor law board; W. Forsyth, member of parliament; Sir John Small, chief justice of Hong-Kong; Barwick Baker, director of the reform school at Hardwicke; John S. Wright, president of the council of prisons at Birmingham, and others.

Besides Dr. E. C. Wines, the United States Government delegate, Pennsylvania furnishes Rev. Dr. J. B. Bittinger, Rev. J. S. Milligan, chaplain of the State prison at Pittsburg; Ohio, Dr. W. Bushnell; Illinois, Rev. Fred. H. Wines, secretary of the State board of charities; Connecticut, Hon. Benjamin Stork, and Henry R. Towne.

All the foreign ministers and secretaries of legations residing in Stockholm were invited to take part in the discussions of the congress.

Prior to the hour of meeting nearly all the delegates had arrived, and the standing committee deriving its powers from the London Congress of 1872 had been in session three days under the presidency of Dr. Wines. The chief business transacted by this preliminary committee had been the arrangement of the work of the congress, the verification of the delegations, and the adoption of the resolution that the members of the future standing committee of the congress shall be appointed by the governments of the respective countries, provided that said governments will make such appointments. Thus it is proposed to make the congress in future much more of a legal and official character than heretofore. August 20 the congress was organized promptly, as follows:

President, O. M. Björnstjerna, present minister of foreign affairs of Sweden and Norway; vice-president, C. Grot, Russia; M. Thonissen, of Belgium; G. F. Almquist, Sweden; honorary president, Dr. E. C. Wines, of the United States; secretary, M. Guillaume, Switzerland, with four assistants.

The first business after the completion of the organization was to listen to an elaborate and able report from Rev. Dr. E. C. Wines, which presented a review of the progress of prison and criminal reform throughout the world during the six years which have elapsed since the Congress of London, much of which can be traced to the influence of that assemblage. This document was well received and has been published in the English

and French languages for distribution. On the conclusion of the reading of this address the congress by previous understanding divided itself into three sections for the discussion, respectively, of assigned questions: Section 1, penal legislation; section 2, prisons and penitentiaries; section 3, reformatory and preventive institutions. This arrangement enabled the congress during its five days of session to give a careful consideration of all questions before it, and allowed each country represented an opportunity for the presentation of its views and experience.

Each day the sections united in a general session of the congress for the approval or rejection of such resolutions as might be laid before it. Thus the whole working days of the congress were profitably spent, very marked interest prevailing throughout. The discussions, reports from the different committees, and the valuable papers contributed are to be published, and will make two full octavo volumes, which will be accessible to legislators and friends of enlightened prison discipline and criminal reform in all civilized lands; copies of which, it is presumed, will reach the Department of State as soon as issued from the press.

To make the congress a success and agreeable to the members from other countries, the Swedes did all, and more than all, that could have been expected. The local committee of Stockholm, large and influential, was especially active in this regard.

The King in various ways manifested his earnest interest in the congress and his desire to have the delegates cordially treated. Every evening they were entertained either by the Stockholm committee or the representatives of the Swedish government. August 22 a banquet on a very elaborate scale was given at a large dining-hall in the great park—the Djurgården, at which nearly 500 persons, delegates and invited guests, were seated. The hall was trimmed elaborately and beautifully, the flags of all the nations represented being brought into use in a style unsurpassed. At the close of the banquet fire-works in the surrounding grounds made a brilliant attestation of Swedish welcome to the Congress.

The King came from his summer residence in Norway specially to show his approval of and welcome to the congress. He visited the body while in session, and was received with emphatic acclamation. In a brief speech he informed the congress that, immediately on his return to Stockholm, he hastened to manifest to the members his pleasure at welcoming them to his capital, and the good wishes entertained by him in regard to the objects of the assembly. He then took a seat by the side of the vice-president for the day, and listened to an animated discussion on the subject of the conditional liberation of prisoners under tickets of leave and police supervision.

In the evening of the same day, August 24, a banquet was given by the King to all the delegates of the Congress and invited guests at Drottningholm Palace, his favorite summer residence, beautifully situated some six English miles up Lake Maelar. Two steamers were placed at the disposition of the invited guests. The weather was very fine, and the charming scenery of the lake shores and the numerous islands tended to make the passage enjoyable.

The reception at the Drottningholm palace was frank and cordial. After light refreshments had been passed, the King made his presence known among his numerous visitors, and remained for two hours in conversation with them individually or in groups. In course of the evening, while talking with American and English delegates, one of the latter remarked that the views of the late King Oscar I on prisons and the

abolition of the death-penalty had evoked much interest in England. The King responded: "*I am of my father's opinion as to the desirability of abolishing capital punishment*; but I must govern by law and public opinion, and can only exercise my prerogative of mercy in harmony with these." It is well understood in Sweden that these are the real sentiments of the present King. In this frank manner, passing from group to group, he conversed with his guests, and in various languages. At the close of these hours of conversation all were summoned to supper in a series of rooms in another part of the palace, and were hospitably entertained by the distinguished host. At eleven o'clock the steamers conveyed the guests to Stockholm, part of the lake in the transit being illuminated by lamps and electric light.

The sittings of the congress the last day were occupied by the questions of prison inspection, international police, the laws of extradition, and the most effective mode of preventing relapses into crime of those whose term of imprisonment has expired. The last evening, after final adjournment of the congress, the Swedish delegates gave a closing banquet at the "Grand Hotel," at which the international exchange of sentiments and speeches was interesting and suggestive.

The next International Prison Congress will be held probably in Rome in 1884, in accordance with a special request of the Italian Government, which is taking a lively interest in questions of criminal law, prison discipline, and cognate subjects.

I have, &c.,

JOHN L. STEVENS.

## SWITZERLAND.

No. 491.

*Mr. Fish to Mr. Evarts.*

No. 48.]

LEGATION OF THE UNITED STATES,  
*Berne, February 23, 1878. (Received March 12.)*

SIR: Yesterday, being Washington's birthday, I displayed the flag at the legation during the day; and in the evening I gave a dinner to the President of the Confederation and the members of the Federal Council, at which all the chiefs of missions were present. The President, during the dinner, arose, and after making a friendly allusion to the flag, said that he had great pleasure in inviting us all to join him in drinking to the memory of that most illustrious statesman, Washington, and to the health of the President of the United States. I responded by inviting them to drink to the health of the President of the Confederation and the welfare and happiness of the Swiss people. Both toasts were drunk with much enthusiasm.

After the dinner the President sought a private conversation with me, and said that he learned with much regret that it was contemplated by a committee of Congress to withdraw this mission; that this government would view such a withdrawal with great regret; and that it was their wish that the mission might be continued in the interest of the two sister republics. He then asked me if he could take any measures to prevent the abolition of the mission. I told him that I felt sure that neither you nor the President desired the suppression of the mission; and that it

might be agreeable to you to receive an assurance from the Swiss Government that they desired its continuation.

I learn from my colleagues that there is a very deep feeling among the members of this government upon the subject, and that they consider it a slight upon them from a government with whom their own is bound by so many ties and mutual interests. Should occasion arise, I will try to explain that such is not the intention of the committee of Congress in proposing the change.

I have a delicacy in expressing my own views on this subject, but I have no hesitancy in saying that the reduction in the grade of the British mission from that of an envoy to that of a minister resident weakened their influence here, and created a feeling which, having lasted already several years, is not likely to die out. I am convinced that the regret expressed by Mr. Welte, then President of the Confederation, at the reduction in rank of our mission was sincere on his part, and that it is shared not only by his successor in office, Mr. Schenk, but also by all his colleagues in the Federal Council; and I cannot but believe that a restoration to its former rank rather than its suppression would be to the best interests of the United States.

I have, &c.,

NICHOLAS FISH.

---

No. 492.

*Mr. Fish to Mr. Erarts.*

No. 50.]

LEGATION OF THE UNITED STATES,  
Berne, March 7, 1878. (Received March 25.)

SIR: The adjourned session of the Federal Assembly closed on the 22d ultimo. Its transactions present but little worthy of mention. A member of the Federal Council remarked to me that it had been the most barren in results of any session which he had known. The principal subject which engaged its attention was the discussion of measures for the re-establishment of the financial equilibrium.

Switzerland, like every other country, has been greatly affected by the stagnation in business and prostration of her commercial industries, and, in addition thereto, has had, for the past three years, an annual deficit in the budget. Her financial position is, however, such as to cause no grave apprehensions, and her government took measures at an early day for the purpose of relieving the financial embarrassments of her treasury.

In July, 1876, the Federal Assembly requested the Federal Council to present with the budget for 1877 a report on the financial position of the Confederation, and to submit, besides, propositions as to the measures to be taken to balance the expenses and revenues, while seeking principally to introduce economies which can be made without injury to the requirements of a good administration.

The message of the Federal Council was not, however, transmitted to the assembly until the session of last summer.

The deficit in the budget of 1875, which appears to have given rise to the call for the report, amounted to 827,666.82 francs; the deficit for 1876 to 1,185,484.35 francs; while that for 1877 is given at 3,226,000 francs, and for 1878 at 2,376,000 francs, according to the budget.

The Federal Council attributes the large increase in expenditure almost entirely to the provisions of the constitution of 1874, and estimates the increase of expenditure which those provisions entail at 10,815,000 francs per annum, while the corresponding increase of the

federal revenue amounts to only 3,642,000 francs per annum; thus entailing an annual cost of 7,173,000 francs to the confederation.

The increase in expenditure for the military establishment alone is estimated at about 9,500,000 francs per annum.

The report of the Federal Council discusses at considerable length the various departments in which a reduction of expenditure could be effected or an increase of revenue obtained. For the purpose of showing the progress that had been made at the time of my arrival and after Mr. Rublee's departure, I inclose, in addition to the report itself, a translation of the third section, as giving a sketch of the measures of financial reform in contemplation at that time.

When we consider that the debt of the confederation is about 34,500,000 francs, and that the total annual expenditures do not exceed 43,000,000 of francs, the problem does not appear to be a difficult one to solve. There are but few in America who would not at once say, cut down the army. It is, however, owing to the sudden calls that have been made in times of emergency that Switzerland is now burdened with 25,000,000, or about 70 per cent. of her debt. It is not, therefore, unnatural that in the present unsettled condition of Europe she should prefer to maintain her army without any extended reduction, rather than to incur the risk of having to organize in a hurry and at great expense, should occasion arise for the protection of her frontiers.

It has been the endeavor of the government to maintain the military system established by the law of November 13, 1874, and to give the working of that law a fair trial, while curtailing the expenditures in certain details, which were either unnecessary at the commencement, or have proved to be so as the organization became more fully developed. The measures of economy recommended by the Federal Council affecting the military department, amounted to an estimated increase of revenue of 1,168,000 francs per annum, and those affecting the department of post and telegraphs amounted to 1,248,000 francs per annum. Among the latter was a proposed change in the tariff for telegrams which went into effect last October, and from which an increase of 230,000 francs was anticipated. This anticipation has not, however, been realized, as the change has occasioned, during the first four months of its operation, a loss instead of a gain to the revenue.

The other savings in the postal department recommended by the Federal Council consisted principally in increased charges for the transmission of postal matter, the suppression of certain franking privileges accorded to officials, an increased charge for stamped envelopes (in effect since August, 1877), and the suppression of non-remunerative postal routes.

The Federal Council advocated the repayment of the loans of 1866 and 1871 as previously decreed, and were of opinion that it was impossible to convert these loans at a lower rate of interest. "Moreover, a conversion, even a partial one, would create an expense, inasmuch as from the experience of others, loans at  $4\frac{1}{2}$  per cent., even of the most solid character, could not be placed at that time at par. Finally, the political horizon is not sufficiently cloudless to allow us to compromise our credit in the future."

They estimated the annual deficit which will have to be met until the requisite measures for the re-establishment of the financial equilibrium can be carried into effect at approximately 4,000,000 francs, including 2,000,000 for the payment of the loans, and deducting 630,000 francs as the amount to be realized by the alteration in telegraphic charges, suppression of franking, and increase of postal charges on newspapers.

They recommended that the remedy should be sought in the increase of the revenue arising from a revision of the customs tariff.

The matter coming before the chambers of the Federal Assembly, was in each case referred to a commission for examination and report. These reports were presented at the winter session. The National Council warmly approved the views of the Federal Council as to the prompt repayment of the loans, and, in general, favored the measure suggested by the latter. They considered that the increased tariff of customs should be made to yield between 3,000,000 and 4,000,000 francs more than at present; and they recommended the increase of the present duties by two-tenths of their present rate until the revision of the tariff can be affected, or that certain articles should be made to pay a still higher rate of duty.

The Council of States were opposed to promiscuous increase of duties, and recommended instead:

1st. Tax on spirits and other alcoholic liquors, excepting such as are made from the refuse of wine or cider or with stone-fruits or berries.

2d. Tax on bank-notes, at the rate of one-half of one per cent. on the circulation.

3d. Tax on tobacco (in addition to the customs duties).

They estimated the first of these measures as likely to yield 5,000,000 francs, of which they suggested that one-fifth should be accorded to the cantons, leaving an annual increase of 4,000,000 francs to the federal revenue. The second was estimated as likely to yield 350,000, and the third 1,000,000 francs per annum.

They, however, agreed in most of the measures suggested by the Federal Council.

I inclose a copy of the federal decree of the 21st February, which was not, however, published until the last edition of the *Feuille Fédérale*, which shows the conclusion arrived at by the assembly.

The payment of the loans is to be carried out as decreed, reserving, however, the right to pay off the loan of 1871 more rapidly.

The floating debt, as soon as the amount thereof shall have been fixed, taking into consideration the indispensable requirements of the administration, shall be consolidated by a fixed loan with prescribed redemption.

The indemnities or pensions of those removed or retired from office are to be revised for the purpose of reduction.

Various measures in the postal and telegraphic departments, as well as that of the military, are decreed, which will diminish the expenditure while increasing the receipts of these two departments.

In regard to customs they have decreed "when the increase of receipts and diminution of expenditures in the various branches of administration shall have been determined, the remaining deficit shall be considered in the revision of the customs tariff." This decree is to be considered in the preparation of the budget of 1879.

At the same time the Federal Council were invited by the assembly to consider a series of eight propositions adopted by the assembly, of which I inclose a copy and translation. Of these the second and eighth alone appear to have an interest for us.

Proposition No. 2 invites the Federal Council to revise the law regulating the fees of the chancery, and to introduce in that law a tax ("*taxe de chancellerie*"), or fee, for the authorization to acquire Swiss nationality. This would be equivalent with us to placing a tax on certificates of naturalization, were we to adopt similar legislation.

Proposition No. 8 invites the Federal Council to examine whether it

would not be expedient, in case of an increase of expenses of the federal administration, to establish taxes upon the issue of bank-notes, upon alcoholic liquors and on tobacco, one-half of the product of these taxes to be accorded to the cantons and one-half to the confederation.

They appear, therefore, to have adopted the proposals contained in the report of the committee of the Council of States as to the three principal suggestions contained in their report, with a modification as to the amount to be accorded to the cantons. Should this proposal be carried out, and the estimated increase of revenue be thus obtained, the benefit accruing to the confederation would be 3,175,000 francs per annum, and a like sum to be distributed among the cantons.

You will find the discussion of the liquor and tobacco tax set forth in the report of the committee of the Council of States. I gather from the language of the report, and also from the conclusion arrived at by the assembly, that, while holding firmly to the doctrine of free trade, the financial situation compels them to resort to higher rates of duty for the purpose of revenue, but that such increase of duties will be imposed solely for that purpose and not for the protection of any particular industry.

I have, &c.,

NICHOLAS FISH.

[Inclosure 1 in No. 50.—Translation.]

*Section III of the report of the Federal Council of June 2, 1877.*

III.

If we recapitulate the financial bearings of the measures of economy proposed by us, already decreed or pending before the councils, in considering only the points on which an approximative evaluation is at present possible, we have the following figures:

A.—DEPARTMENT OF POST AND TELEGRAPHS.

Receipts increased or expense diminished:

	France.
1. Supplementary tax on stamped envelopes (in execution since August 1, 1876).....	200,000
2. Modification of the system of telegraph tax (prices of messages) pending before the councils.....	230,000
3. Suppression of franking privileges of certain officials.....	300,000
4. Increased charge on unpaid parcels.....	160,000
5. Increased charge on transmission of newspapers.....	100,000
6. Reduction of postal routes.....	250,000
<b>Total .....</b>	<b>1,240,000</b>

Economics not estimated:

7. Regulations of the tax on passengers, within the limits of the present law on postal charges.
8. Eventual restriction of the franking privilege of the official papers of the cantons.
9. Indemnities for the Sunday holidays of postal officials.

B.—MILITARY DEPARTMENT.

Receipts increased or expenses diminished:

	France.
10. Increase in the price of munition (being done).....	200,000
11. Clothing at mustering place.....	60,000
12. Reduction of the purchase of arms.....	230,000
13. Simplification of recruitment.....	20,000
14. Reduction of 1,000 in total number of recruits.....	350,000
15. Reduction of the distribution of recruits to special arms and other economies.....	150,000
16. Suppression of the double indemnity (for clothing).....	150,000
17. Reduction of pay, not estimated.....	
<b>Total .....</b>	<b>1,160,000</b>

To these propositions, which will have the effect of augmenting the receipts or diminishing the expenses, the two following are connected with the military department as suppressing two expenditures:

	Francs.
13. Suppression or diminution of the sinking-fund for cavalry horses .....	100,000
19. Abolition of the obligation of renewing of officers' equipment .....	170,000

Of all these measures, numbering from 1 to 19, some are attainable without modifying the existing laws; the others can only be effected by changing the law. In the first category are those numbered as follows:

1. Stamped envelopes (modification already decreed).
4. Increased charge on unprepaid parcels.
6. Reduction of postal routes (in course of execution).
7. Regulation of the tax on passengers within the limits of the existing law on postal routes.
8. Eventual restriction of the franking privilege of the official papers of the cantons.
9. Indemnities for the Sunday holidays of postal officials.
10. Increase in the price of munition (in execution).
12. Reduction in the purchase of arms.
13. Diminution of recruitment.
14. Reduction in total number of recruits.
15. Reduction of the distribution of recruits to special arms.
16. Suppression of the double indemnity (for clothing, &c.).

The following of these measures have already been put in execution:

No. 1. Stamped envelopes will go into force from August 1, 1877. It is impossible to calculate the increased revenue that will result for the present, because the supply of stamped envelopes in the hands of the public will exercise an influence after August 1 that it is impossible now to calculate exactly.

No. 6. *Courses postales*.—The routes already abolished during this year constitute an annual economy of 150,000 francs already, but the exact amount cannot at the present be ascertained.

No. 10. Increase of the price of munition.—Put into execution by the decree of 26th January, 1877, this measure was considered in the revised budget of the current year.

No. 12. Reduction of the purchase of arms.—This serves as the basis for the proposition that we present to the Federal Assembly on the subject of the acquisition of war material for 1878, but it is only in the next annual account that it will bear its effects.

No. 13. Simplification of recruitment.—The method to be followed in the future has already been regulated by the circular addressed to the cantons by the Federal Council under date of 30th May, 1876; it will be applied next autumn at the time of recruiting.

Unless the Federal Assembly, at the time of the debates upon the present message, should give us contrary instructions, we will take for granted that it approves the measures already taken, and we will consider ourselves authorized to decree others on the following points and to make them figure in the next budget:

- No. 4. Increased charge on unprepaid parcels.
- No. 6. Further reduction of postal routes.
- No. 7. Regulating the fares of passengers.
- No. 8. Ultimate abolition of franking privilege of cantonal papers.
- No. 9. Indemnities for Sunday holidays of postal officials.
- No. 12. Reduction in the purchase of arms, about 3,000 muskets.
- No. 14. Reduction of the total number of recruits, 500 for 1878 and 1,000 for the following years.

No. 15. Reduction of the distribution of recruits to special arms.

No. 16. Abolition of the double indemnity for clothing, &c.

On the contrary as to the following points:

- No. 11. Clothing of recruits at the mustering places.
- No. 17. Reduction of the pay of officers.
- No. 18. Abolition or reduction of the sinking fund for cavalry horses.
- No. 19. Abolition of the obligation to renew the equipment of officers.

We consider that, as they affect the law of November 13, 1874, on the military organization, the present political circumstances of Europe do not permit us at present to propose changes in that law, and much less, as numbers 13 and 19 would only affect considerable economies at the expiration of a certain number of years.

As regards the other economies, which imply a modification of existing laws, our propositions concerning No. 2 (modification of the system of telegraphic rates) are already in the hands of the Federal Assembly, whose decision we await.

We reserve to ourselves two other points, in regard to which, at the right time and place, we will make certain suggestions, namely:

- No. 3. Abolition of the official franking privilege.
- No. 5. Increase the tax on newspapers.



[Inclosure 2 in No. 50.—Translation.]

*Propositions adopted by the Federal Assembly upon the occasion of the debates on the financial equilibrium of February 21, 1878.*

1. The Federal Council is invited to seek to diminish the cost of printing in all branches of the government.

2. The Federal Council is invited to proceed to the revision of the law of 19th July, 1850 (I, 35), concerning the emoluments of the chancery, and to introduce in that law a fee ("*taxe de chancellerie*") for the authorization to acquire Swiss nationality.

3. The Federal Council is invited to examine whether it would not be proper to raise the charge on passengers' luggage and to diminish the amount of free luggage, and to present a report on the subject.

4. The Federal Council is invited to examine whether it would not be possible to charge the postal department with the making of commercial protests.

5. The Federal Council is invited to present at convenient time a report on the question whether the printing of stamps (and other papers of value) should not be again taken in charge by the Confederation.

6. The Federal Council is invited to examine whether for the clothing of the recruits choice could not be made of material which, while being less expensive, would be quite as durable.

7. The Federal Council is invited to present, at the time of the deliberations on the budget for 1879, a report on a suitable organization of the exercises of target-practice contemplated by the next to the last paragraph of article 104 and the first paragraph of article 139 of the law on the military organization. The Federal Council is invited to examine whether, in case of an increase in the cost of the federal administration, it would not be expedient to establish taxes on the issue of bank notes, on alcoholic liquors, and on tobacco, the half of the proceeds being accorded to the cantons and half to the Confederation.

Thus decreed by the Council of States.

Berne, the 21st of February, 1878.

The Vice-President,

A. VESSAZ.

The Secretary,

J. L. LÜTSCHER.

Thus decreed by the National Council.

Berne, the 21st February, 1878.

The President,

MARTI.

The Secretary,

SCHIESS.

The Federal Council decrees:

The foregoing propositions shall be inserted in the official collection of laws of the Swiss Confederation.

In the name of the Swiss Federal Council.

The President of the Confederation,

SCHENK.

The Chancellor of the Confederation,

SCHIESS.

No. 493.

*Mr. Fish to Mr. Evarts.*

No. 62.]

LEGATION OF THE UNITED STATES,

*Berne, April 6, 1878. (Received April 22.)*

SIR: Your instruction No. 24, of the 14th ultimo, reached me only this afternoon, and in compliance therewith I at once addressed a note to this government, conveying the invitation of the United States for the participation of the Government of the Swiss Confederation in a conference to adopt a common ratio between gold and silver, and for other purposes, mentioned in the act of Congress of February 28 last, a copy of which is inclosed herewith.

Mr. Hammer, the Vice-President of the Confederation, takes much in-

The impression made on my mind was that the President had not conversed with his colleague of the finance department, and that he had not given my note his personal attention.

After trying to see the President in the morning, I called on Mr. Hammer, the vice-president, who is the head of the federal department of finance. He had my note of the 6th to the President, and was evidently much interested in the question. I asked him whether my doubt (expressed in my No. 62) as to the action of the Federal Assembly being requisite was correct. He said that it was not; that the acceptance of the invitation could be decided without their action, and that he had already put the matter in the hands of an expert for examination and report, and that when he received the report the matter would be laid before the Federal Council, probably the week after next, and that I would then receive an answer. I asked him if Switzerland would join in the conference, and he said that he had no doubt that she would, but that if she did, it was not likely that she would favor the adoption by the conference of our ratio, instead of that of the Latin Union; and he added that such action on the part of the conference would, if adopted, drain America of silver, and flood Europe with it.

During the conversation he asked me whether the word "intrinsic," in the sixth line of the third page of my note (see inclosure 1 to No. 62), was to be interpreted as internal, in the sense of for home use, or whether it referred to the metallic value of the coin. I said that, while I could not speak authoritatively, I thought the latter signification of the word was the one intended in your instruction from which I had taken it in my note. I hope that if I have misunderstood the sense in which the word is used, that I may be corrected.

Some days ago, Mr. Hammer asked me for a copy of our tariff to aid him in the revision of the tariff. I gave him the copy of "Morgan's United States tariff," which was sent me from the Department, and I told him that while it was not an official publication of the government, I thought he could rely on it as correct, and that I would ask you to let me have for his use any other information in regard to our tariff, which you or the Secretary of the Treasury might desire to add to, or substitute for, "Morgan's tariff." I respectfully request that you will do so, and that I may be furnished with another copy of Morgan's book for the legation.

I inclose my duplicate account for the last quarter, the original having been sent in my No. 60.

I have, &c.,

NICHOLAS FISH.

---

No. 495.

*Mr. Fish to Mr. Evarts.*

No. 70.]

LEGATION OF THE UNITED STATES,  
*Berne, April 18, 1878. (Received May 1.)*

SIR: Referring to your instruction No. 24, and to my dispatches Nos. 62, 64, and 67, I have the honor to inclose herewith a copy and translation of a note which I have this day received from the President of the confederation.

As stated in my No. 68, the Federal Council has decided to take part in the proposed conference under section 2 of the act of February 28 last.

I respectfully ask that a copy of the act may be furnished me for the files of the legation.

I have, &c.,

NICHOLAS FISH.

[Inclosure 1 in No. 70.—Translation.]

*Messrs. Schenk and Schiess to Mr. Fish.*

BERNE, April 16, 1878.

The chargé d'affaires of the United States of America, in his note of the 6th instant, had the kindness to address to the Federal Council in the name of his government the invitation to participate in an international conference, having for its object the definitive determination of the relation between gold and silver. At the same time the chargé d'affaires sends to the Federal Council the act concerning the authorization for the coining of silver dollars and the re-establishment of those coins as legal money.

While thanking the chargé d'affaires for his esteemed communications, and in consideration of the great interest which the subject in question presents for international transactions, the Federal Council has the honor to inform the legation of the United States of America that, in concert with the other signatory states of the Latin Union, it will be disposed to treat this question in a conference.

The Federal Council seizes this occasion to renew to Mr. Fish the assurances of its high consideration.

In the name of the Swiss Federal Council.

The President of the Confederation,  
SCHENK.  
The Chancellor of the Confederation,  
SCHIESS.

No. 496.

*Mr. Fish to Mr. Evarts.*

No. 90.]

LEGATION OF THE UNITED STATES,  
*Berne, July 11, 1878. (Received July 29.)*

SIR: I have the honor to acknowledge the receipt of your instruction No. 38, which was received on the 4th instant, and of your telegraphic instruction in modification thereof, which was transmitted through the legation at Paris.

The Swiss Government assents to the time and place selected for the meeting of the proposed monetary conference, provided the other states of the Latin Union likewise assent thereto.

I believe that the Latin Union will act together in all measures concerning the conference, unless their own conference, which is to be held in Paris this autumn, should lead to a disagreement among them.

I inclose a copy of my note to this government, and a copy and translation of their reply.

I have, &c.,

NICHOLAS FISH.

[Inclosure 1 in No. 90.]

*Mr. Fish to Mr. Schenk.*

LEGATION OF THE UNITED STATES,  
*Berne, July 4, 1878.*

The undersigned, chargé d'affaires of the United States of America, has the honor, under instructions from his government, to inform His Excellency Mr. Schenk, President of the Swiss Confederation, and through His Excellency the High Federal Council, that in addition to the acceptance of the Government of the Swiss Confederation of the invitation of the United States to participate in an international monetary conference, acceptances have been received from the governments of Austria-Hungary, Belgium, France, Greece, The Netherlands, Italy, and Russia, and that so far as any views have been expressed by those powers respecting the selection of a place for the meeting of the proposed conference, a preference for Paris has been signified. In this selection the Government of the United States concurs.

The undersigned is likewise instructed to call attention to the provisions of the act of Congress of 23th of February last, which prescribes that the conference shall be held within six months, and to state that the 10th day of August is therefore suggested as the day for the meeting thereof. He is also instructed to express the hope of his government that the designation of the place and time here specified for the meeting of the proposed conference will receive the early concurrence of the Government of the Swiss Confederation.

The undersigned avails himself of this occasion to renew to His Excellency Mr. Schenk, President of the Swiss Confederation, and through His Excellency to the High Federal Council, the assurances of his most distinguished consideration.

NICHOLAS FISH.

---

[Inclosure 2 in No. 90.—Translation.]

*Messrs. Schenk and Schiess to Mr. Fish.*

BERNE, July 9, 1878.

The chargé d'affaires of the United States was so kind as to inform the Federal Council, by his note of the 4th instant, that the invitation of the Government of the United States to participate in a monetary conference has been accepted, besides by Switzerland, by Austria-Hungary, Belgium, France, Greece, the Netherlands, Italy, and Russia, and that the meeting of the conference has been fixed for August 10 next, at Paris.

While thanking the chargé d'affaires for his kind communication, the Federal Council has the honor to inform the legation of the United States that it can adhere to the time and place proposed for this meeting, under the supposition that the other states, signers of the monetary convention, commonly called the Latin Union, will give likewise their consent to the proposition in question.

The Federal Council seizes this occasion to renew to the chargé d'affaires the assurances of its highest consideration.

In the name of the Swiss Federal Council.

The President of the Confederation,  
SCHENK.  
The Chancellor of the Confederation,  
SCHIESS.

---

No. 497.

*Mr. Fish to Mr. Evarts.*

No. 100.]

LEGATION OF THE UNITED STATES,  
Berne, September 25, 1878. (Received October 9.)

SIR: Referring to your unnumbered instruction of May 23, 1877, to the diplomatic and consular officers of the United States, I have the honor to state that I went to Zurich on the 23d instant to meet General Grant.

His reception there was a most hearty one, and many of the buildings were decorated with flags in his honor. Both the consul and vice-consul did everything in their power to make his visit to Zurich pleasant, and to do honor to the distinguished character of the late President of the United States.

On Monday evening Mr. Byers gave a very handsome dinner to General Grant, at which were present distinguished citizens of Zurich, representing the government, both federal and local, the sciences, the arts, the learned professions, the press, the army, and the manufacturers, as well as the old aristocracy of Zurich.

Mr. Byers invited his guests to drink to the health of General Grant, remarking that a man who, after leading half a million men to victory against a stubborn foe, had successfully conducted the government of a nation of more than forty millions of free and intelligent people, needed no praise from him. The toast was drunk with all honors.

Mr. Roemer, the President of Zurich, in a neat speech, which he delivered in English, spoke of the sympathy with which the Swiss people had followed General Grant's course, both as a soldier and as President; and stated that the old Republic of Zurich had much pleasure and honor in having so distinguished a citizen of the United States within its borders; and that it was the hearty wish of the people of Zurich that General Grant might live long and happily to witness the good fruits of the noble deeds he had done in the field, and in the executive chair.

General Grant expressed his thanks for the cordial reception given him by so distinguished a body of Zurich's leading men. It was to him a most agreeable honor to be the recipient of such a flattering exhibition of the good feeling existing between the two republics, and he took pleasure in proposing the health of the President and Council of the Swiss Confederation, and of those of the canton and city of Zurich, and the happiness and welfare of their people.

Mr. Feer-Herzog, of the National Council, then made in English an eloquent allusion to the sympathy and friendship characterizing the intercourse of the two republics, and drank to the health of the President of the United States.

I replied, thanking the company for the cordial manner in which they had drunk to the President's health, and that I felt sure that I was but carrying out his wishes when I stated that the people and government of the United States considered the friendship of Switzerland, which had been pure and unselfish from the earliest days of our republic, as second to none in our estimation. Its sincerity had been evinced by the numbers of Swiss who had battled for the preservation of our Union and shed their blood in our cause; that we were not unmindful of that friendship, and of its sincerity. I cited the deliberate judgment of the great statesman, Mr. Seward, who had, under the administration of the immortal Lincoln, while General Grant was, I might say, carrying on our home policy, conducted successfully our foreign policy. His verdict, formed three years after the close of the war, was, that of all the nations of Europe the Republic of Switzerland had in our hour of need shown us the most sincere and unbiased sympathy and friendship. I added that this verdict of Mr. Seward was the verdict of the American people and of the American Government, and that so long as I have the honor of representing them it would be my duty and pleasure to show our appreciation of Switzerland's friendship, and to cultivate it to my utmost power.

Other speeches were made, among which was one by Colonel Fogli, commanding a division of the Swiss army, who, as a soldier, paid a high tribute to Grant's military genius, and to the patriotism of our Army in returning to the paths of peace when they had accomplished their arduous task. He also spoke in the highest terms of Grant's abilities as a statesman.

On the whole, I may say that General Grant's reception at Zurich was one of the heartiest he has met with, and many expressions of a desire to see him again were extended to him.

Yesterday morning the President of Zurich and many prominent citizens were present at the railway station to say good-by to the General.

I accompanied the General to Basle (the last station on Swiss soil), on his way to Paris. There Consul Campbell, accompanied by Mr. Doerr, the consular agent at Olten, were at the railway station to welcome him. Owing to the shortness of his stay at Basle there was no public demonstration in his honor.

I am happy to say that I believe everything was done in the most

cheerful and patriotic manner to carry out your wishes, and that the General himself carried with him none but the pleasantest recollections of his very short visit to Switzerland. You will be glad to learn that the General's health has been much improved by his trip, and the relaxation which it has afforded him after his former arduous duties. It was surprising and agreeable to observe the enthusiasm which he inspired among the sedate men of German Switzerland, renowned for the phlegmatic character of its citizens.

I returned last evening to Berne, having been absent less than forty-eight hours.

I have, &c.,

NICHOLAS FISH.

No. 498.

*Mr. Fish to Mr. Evarts.*

No. 111.]

LEGATION OF THE UNITED STATES,  
*Berne, September 30, 1878. (Received October 15.)*

SIR: I have the honor to inclose herewith a copy of a table giving a comparison of the number of emigrants from 20 of the Swiss cantons during 1877, and the period from 1868 to 1876.

From 1868 to 1876 the total emigration from Switzerland amounted to 33,467, of whom 31,345 went to America; the annual average of the total emigration was 3,718. In 1877 the number of emigrants was 1,691, of whom 1,027, or about 61 per cent., went to North America.

While the total number of emigrants in 1877 is 50 less than in 1876, a diminution of 2 per cent., it is 54 per cent. below the average of the nine years from 1868 to 1876, a falling off of 2,027 per annum.

The table does not include the cantons of Uri, Fribourg, Soleure, Vaud, and Geneva.

I have, &c.,

NICHOLAS FISH.

No. 499.

*Mr. Fish to Mr. Evarts.*

No. 118.]

LEGATION OF THE UNITED STATES,  
*Berne, October 21, 1878. (Received November 7.)*

SIR: I have the honor to inclose herewith a copy and translation of the law concerning the tax for exemption from military service of June 28 last. Mr. Rublee, in his Nos. 238, 251, 259, 273, and 279, gave at length the history of the bill of 1875, which was so overwhelmingly rejected by the people, and of the views of this government concerning the application of that bill, should it become law, to citizens of the United States resident in Switzerland as well as to natives of Switzerland naturalized as citizens of the United States.

During the interim between Mr. Rublee's departure and my arrival the Federal Assembly passed a law (March 27, 1877) which, though modified in form as compared with that of 1875, was rejected by the popular vote after the *referendum* had been demanded. This rejection took place during my absence in America last autumn, and as the law failed I did

not consider it of sufficient importance to report it in the pressure of other business.

By the law of 1875, a per capita tax of 8 francs was imposed on all those of a military age, and a tax on their revenue was likewise prescribed, to be estimated according to a given scale, without exempting either those of moderate revenue or limiting the amount which might be collected of any one individual.

The law of 1877 fixed the per capita tax at 7 francs, restricted the total amount which might be collected of any one individual to 3,000 francs, and and while exempting those fortunes under 1,000 francs and those incomes under 600 francs, taxed both fortune and income, the former at rates varying from 50 centimes per 1,000 to 2 francs 50 centimes per 1,000; and the latter from 1.25 francs per 700 francs of income to 300 francs for an income of 10,000, and 3 per cent. on those of a larger amount.

At its last session the Federal Assembly, notwithstanding the rejection of these two laws by the people, passed a law of the same nature, and, contrary to the opinion of those whom I considered best able to judge, the *referendum* has not been demanded by the requisite 30,000. It has, therefore, become a law, and according to a decree of the Federal Council published in the *Feuille Fédérale* of the 19th instant went into force on the 15th of this month.

When we consider the very recent rejection of the two previous laws by the people it is fair to suppose that the small number (between five and six thousand) demanding a popular vote is to be attributed to the elimination of the objectionable features of the former laws, and also to the realization on the part of the people of the necessity for an increase of the federal revenue.

The objectionable features of the former laws were, that while they fell with undue severity on the very poor, by the imposition of a per capita tax on all, and a tax on revenue or capital, imposed on an arbitrary scale, which would prove a great burden on those of moderate means, they bore even more heavily on the rich, and the amount to be collected of these latter was only limited in proportion to their fortunes. It is not, therefore, to be wondered at that they were rejected by the vote of the people, and that the legislators should have sought to avoid these errors in drawing up the present law.

The *personal* tax is fixed at 6 francs, and the rate of the tax on the fortune and revenue is uniform throughout; but unless the net fortune reaches 1,000 francs it is exempt from tax, and 600 francs is to be deducted from the net income of each tax-payer, and the annual tax on any one person is limited to 3,000 francs. In this manner the very poor will have only the personal tax to pay, and those having sufficient fortune and revenue will contribute at a proportionate rate, without any one individual being mulcted in an excessive measure.

The most objectionable features contained in the present law, and which existed in the two which were rejected, are those by which the parents are made responsible for the payment of the taxes of their sons, and that by which one-half of the fortune of the parents, or even of the grandparents, may be reckoned in the calculation of the fortune liable to taxation.

As, under existing circumstances, citizens of the United States residing in Switzerland will be subject to this tax, and as the Swiss laws do not recognize the natives of Switzerland naturalized as citizens of the United States, unless they have been released by the authorities of Switzerland from their original nationality, it may be to our interest to negotiate a qualifying clause to article 2 of the treaty of 1850, exempt-

ing the citizens of the United States residing in Switzerland from the payment of this tax, and the property of natives of Switzerland, naturalized as citizens of the United States, from liability to such tax.

The present law provides that one-half of the amount collected by this tax shall be paid by the respective cantons to the federal government, and that the cantons shall retain the other half in lieu of the sums now collected by some of them by virtue of similar laws. It is estimated that the revenue to the federal government from this tax will amount to 800,000 francs per annum.

If you desire me to do so, I will sound this government as to its views in regard to the negotiation of a clause exempting our citizens from this tax, but without instructions to do so I should think the eve of a general election not the best time to do so. By the time I can receive your instructions the elections to the National Council will be finished, and the Federal Council will be reconstituted for another term. I have but little doubt that you will find the latter body as ready to meet any proposals coming from us in as liberal a spirit now as in 1875, and I think it might be possible even to obtain a recognition of the right of expatriation now, which at that time would have been impossible, owing to the lack of federal legislation on the subject.

I await, therefore, your views on this subject before approaching the members of the government, convinced that so important a subject will not fail to prove of interest to you.

I inclose for the files of the Department a copy of the law of 1877 without translation, and I add a copy of the new law in German to the French copy; and a copy and translation of the decree for the execution of the law are likewise inclosed.

I do not believe that the law can be long in force without giving rise to an appeal for our intervention, which, until I hear from you on the matter, I shall as far as possible avoid; or if it is one that should be entertained, I will be careful not to compromise any position you may wish to assume.

I have, &c.,

NICHOLAS FISH.

[Inclosure 3 in No. 118.—Translation.]

*Federal law on the tax for exemption from military service. June 28, 1878.*

The Federal Assembly of the Swiss Confederation in execution of article 18, paragraph 4, and of article 42, letter *e*, of the federal constitution, having considered the message of the Federal Council of April 28, 1878, decrees:

ARTICLE 1. Every Swiss citizen of the age for military service living in the territory or out of the territory of the confederation, and who does not personally perform military service, is subject in lieu thereof to the payment of an annual tax in money.

Foreigners established in Switzerland are likewise subject to this tax, unless they are exempt therefrom in virtue of international treaties, or that they belong to a state in which the Swiss are neither liable to military service nor to the payment of any equivalent tax in money.

ART. 2. The following are exempt from military tax:

*a.* The paupers assisted by the public charity fund, as well as those who, in consequence of physical or intellectual infirmities, are incapable to obtain their subsistence by their work and do not possess a sufficient fortune for the maintenance of themselves and that of their family;

*b.* The soldier rendered unfit for military service in consequence of that service;

*c.* Swiss citizens in foreign countries, if they are subject to a regular personal service or to the payment of an exemption tax in the place of their domicile;

*d.* The railway and steamboat employés, if they are exempted from personal service, and in those years in which, by the terms of article 2, letter *f*, of the law concerning the military organization, they perform their military service in the capacity of employés for the working of the railways and steamboats in time of war;



e. The *gendarmes* and the policemen, as well as the federal frontier guards. (Article 2, letter c, of the law concerning the military organization. *Recueil Officiel*, new series I, 218.)

ART. 3. The tax of exemption from military service consists in a *personal tax* of 6 francs and of an *additional tax* proportioned to the *fortune* and to the income.

The simple annual tax of one tax-payer shall not exceed 300 francs.

ART. 4. For the additional tax (article 3), the following tariff will be applied:

	Francs
a. For 1,000 francs of net fortune.....	1.50
b. For 100 francs of net income.....	1.50

If the net fortune of a tax-payer reaches less than 1,000 francs it will not be subject to the tax.

From the net income of each tax-payer there shall be deducted the sum of 600 francs.

ART. 5. The net fortune and net income of the tax-payer will be determined on the following basis:

#### A.—FORTUNE.

1. By net fortune is understood the property personal and real, deducting debts. Nevertheless, the fortune consisting in farm buildings and real property will only be estimated at three-fourths of its market value, deducting mortgages.

The value of personal objects necessary for the household, that of tools used for a trade, and that of agricultural implements, are not to be taken into account.

2. The half of the fortune of the parents, or of that of the grandparents if the parents are dead, will be taken into account proportionally to the number of children or grandchildren, unless the father of the tax-payer shall himself perform military service or pay the military exemption tax.

#### B.—INCOME.

The following shall be considered as the net income:

a. The earnings that the exercise of an art, of a profession, of a trade, of a business, of an occupation, or of an employment.

The expenses incurred in order to obtain these earnings are deducted, with an exception in each case of the household expenses, and of 5 per cent. of the capital invested in a business.

b. The product of annuities, of pensions and other analogous revenues.

ART. 6. The soldiers who have performed at least eight years of service and who become unfit for service for the remainder of the period during which they would be liable thereto, or who are temporarily exempted in virtue of article 2 of the law concerning the military organization, shall pay one-half of the tax fixed for their class of age (those of their own age) unless the tax should be entirely remitted in their case according to the provisions of the second article.

ART. 7. From the age of thirty-two years completed to that of forty-four completed, the tax-payer has only to pay the half of the tax which is imposed upon him by the articles 3 and 4.

ART. 8. The Federal Assembly is empowered to raise the military tax up to the double of the amount for those years in which the greater part of the *élite* troops are called in an extraordinary manner into active service.

ART. 9. The parents are responsible for the payment of the tax for their minor sons and for those of their sons who have attained their majority who belong to their household.

ART. 10. The tax for exemption from military service is to be paid in the canton where the tax-payer is domiciled at the time of the making out of the rolls for the tax.

Those liable to this tax who are absent from the country are subject to the tax in their canton of birth.

ART. 11. The time of prescription is fixed:

a. At five years for those tax-payers present in the country;

b. At ten years for those tax-payers absent from the country.

This time commences to run from the end of the year in which the tax falls due.

The cantons are empowered to accord equitable delays for the payment of arrears of this tax.

ART. 12. The cantonal authorities are charged with the making out of the annual roll of all those liable to the tax, as well as with the collection of such taxes.

There shall be established in each canton a tribunal of appeal empowered to pass upon the appeals against the decisions of the authority which shall have made out the rolls.

ART. 13. The amount of the tax which Swiss domiciled abroad are to be made to pay is likewise to be fixed upon separate registers; the canton of his birth will inform the tax-payer in the manner best suited to accomplish the purpose.

The Federal Council will determine in what degree the representatives from Switzerland abroad shall have to co-operate for the rating and for the collection of the tax, and to lend for this purpose their assistance to the cantons.

ART. 14. The year of the tax begins with January 1.

The cantons shall remit annually to the Confederation, at the latest by the end of the month of January which follows the year of the tax, the half of the *brut* product of the tax collected by them, accompanied by vouchers.

The Federal Assembly shall fix the portion of this product which the federal treasury shall assign to the funds for military pensions.

ART. 15. With a view of assuring a uniform application of the present law, the Confederation has the right of supreme supervision and that of pronouncing in last resort upon all the operations concerning the military tax, in particular upon those prescribed by articles 11, 12, and 13.

ART. 16. The disputes between the cantons concerning questions relating to the military tax are to be decided by the Federal Council.

ART. 17. The ordinances of execution decreed by the cantons respecting the military tax are subject to the approbation of the Federal Council.

ART. 18. The first year of the tax is the year 1878. Those taxes which the cantons have collected from the 1st of January, 1878, must be refunded to the tax-payers who have paid them, and these latter are from that time subject to the tax according to the provisions of the present law.

ART. 19. The Federal Council is empowered, in conformity with the provisions of the federal law of June 17, 1874 (*Recueil Officiel*, nouvelle série, I, 97), concerning the popular vote on the federal laws and decrees, to publish the present laws and to fix the time when it shall go into effect.

Thus decreed by the National Council.

Berne, June 28, 1878.

The President,  
PHILLIPIN.  
The Secretary,  
SCHIESS.

Thus decreed by the Council of States.

Berne, the 29th of June, 1878.

The President,  
A. VESSAZ.  
The Secretary,  
J. L. LÜTSCHER.

The Federal Council decrees the foregoing federal law shall be published in the *Feuille Fédérale*.

Berne, July 5, 1878.

The President of the Confederation,  
SCHENK.  
The Chancellor of the Confederation,  
SCHIESS.

No. 500.

*Mr. Fish to Mr. Erarts.*

No. 120.]

LEGATION OF THE UNITED STATES,  
*Berne, October 21, 1878. (Received November 7.)*

SIR: Sunday next is the day appointed for the election of the delegates to the Federal Assembly. A traveler passing through the country would find no signs of an approaching election, such as we are accustomed to at home. Should he, however, be a reader of the newspapers he would be soon involved in a labyrinth of local politics from which it would take considerable observation to extract himself with a clear perception of the condition of affairs.

The difficulty in obtaining a clear understanding of the working of the political factions arises principally from the subdivisions of those factions and the division of so small a country into so large a number of political bodies. The Confederation may be considered as consisting of

25 separate states—i. e., 22 cantons or states, three of which are divided into half cantons—and subject to the provisions of the federal constitution. Each one of those 25 states exercises the right of sovereignty within its own limits. Thus we have in a population of about 2,750,000 inhabitants the organizations necessary for a central or federal government and for 25 subordinate governments.

The Federal Assembly consists of two houses, viz:

1st. *The National Council*, composed of 135 deputies, elected by the direct vote of the people in the separate election districts. These districts, 48 in number, are arranged according to population, on the basis of one deputy to each 20,000 inhabitants, or fraction of 20,000 exceeding 10,000 inhabitants.

2d. *The Council of States*, composed of 44 deputies, elected as each canton may decide, either by its legislature or by a direct vote of the people, two deputies being allowed from each canton and one from each of the half cantons.

While the term of the members of the National Council is limited to three years, each canton may fix the term for its deputies to the Council of States.

Thus while the organization of the two houses of the Federal Assembly in many respects is similar to that of our Congress, the fact that a number of the members of the Council of States are chosen by a direct popular vote, and that their term of office is fixed by the canton which they represent, renders it a more representative body of the popular sentiment than is possible with our Senate, whose members are frequently chosen from the party of the minority.

The executive power is placed in the hands of the Federal Council, composed of seven members chosen by the two houses of the Federal Assembly immediately upon the first meeting of that body after an election of members of the National Council; and from among the seven members whose term of office is three years the Federal Assembly elects annually the President and Vice-President of the Confederation, who are *ex officio* President and Vice-President of the Federal Council.

The differences of language, religion, and interests must necessarily have great influence on the organization of parties where the constituencies are so small, and the local politics are often considered of much greater importance than those of a national character. This renders it extremely difficult for a stranger to judge of the political party to which any group of deputies may belong, the more so as we often find them voting against their colleagues of the same group, and sometimes even against the popular sentiment of the canton from which they are elected. Thus a radical from the canton of Vaud would not be the same as a radical from Zurich, and there would be an equal difference between a Geneva and a Berne radical. If I were to attempt to analyze the causes of these differences I should, I fear, be unable to give you the result in the compass of a single report, or even in the limit of a study of the question during several years of observation. The general tendency of the radical or democratic party is, however, toward a centralization of power in the federal as opposed to the cantonal government, especially in the German cantons. In those of French origin, controlled by the radicals, the tendency is more to a centralization of power in the hands of the cantonal government as opposed to that of the communes or municipalities. The radicals are the most numerous party in the National Council, lacking only about 15 of a majority. The second in point of numbers is the liberal conservative party, which has by the co-operation of the more moderate radicals or of the ultramontanés

managed to control the direction of affairs in most of the important questions.

The custom of re-electing the same deputies is so well founded that with few exceptions no important changes are likely to take place.

The reaction which was to be expected as a result of the stringent legislation in regard to church matters in the cantons of Geneva and Berne has already set in, and has shown itself by an overwhelming rejection of a new constitution, proposed by the radicals in the former canton, and the greatly increased strength of the conservative vote in the latter. While this reaction may influence the result in a few districts, it is not generally believed that it will materially alter the general result of the election.

Of the members of the Federal Council, Mr. Heer declines a re-election on account of ill-health; and Mr. Droz is bitterly opposed in the canton of Neuchatel; the other members are almost certain to be re-elected to the National Council. As Mr. Heer's non-election to the latter body will not prevent his election to the Federal Council, there will probably be no change in the executive branch of the government, unless Mr. Droz fails of an election.

There does not appear to be any general question on which the issue depends, but rather a great number of local questions in the different cantons.

I have, &c.,

NICHOLAS FISH.

## TURKISH EMPIRE.

### TURKEY.

No. 501.

*Mr. Maynard to Mr. Evarts.*

No. 194.]

LEGATION OF THE UNITED STATES,  
*Constantinople, October 31, 1877. (Received November 26.)*

SIR: The military results of the last month have been more favorable to the Russians than during August and September. Without attempting details obtainable only from impartial eye-witnesses, they may be summarized as follows:

In Asia, the Turks have retired from the frontier before a vastly superior force, and have fallen back upon Kars and Erzeroum, with serious loss of men and material.

In Europe, the army of the Lower Danube has resumed its position along the Black Lom, having attempted movements against the Russian line of the Jantra without success. The command of this army has been transferred from Mehemet Ali Pasha to Sulieman Pasha. Around Plevna some important successes by the Russians are reported, but the place itself is still held by the army of Osman Pasha. The Shipka Pass remains with the Russians, and the operations against it have been reduced to a corps of observation. By comparing these positions with those held at the close of the last month, it will be seen that they are nearly the same, with the advantage to the Russians of having gained somewhat and lost nothing.

The Turks make success the absolute standard of merit in their mili-

tary leaders. I have already mentioned the fall of Redif Pasha, minister of war, and of Abdul Kerim Pasha, the generalissimo (dispatch No. 173, dated July 31, 1877). I inclose a paragraph from the Daily Press giving their subsequent fate, and that of other unsuccessful generals. Mehemet Ali Pasha, after being superseded in the command of the army of the Danube, has been relegated to his old army corps in the Herzegovina, a milder sentence indeed, but still very humiliating. On the other hand, the Sultan has conferred upon Osman Pasha, for his defense of Plevna, and upon Ahmed Moukhtar Pasha, for his campaign in Asia, the imperial title of *Ghazi* (the Conqueror), with orders, jeweled swords, and Arab horses.

Everything at the capital is quiet, almost apathetic. The feast of Beiram was observed this year with less spirit than usual, although the display by the Sultan and his ministers was very brilliant.

Rumors of peace negotiations and of mediation by foreign powers are occasionally heard, but receive very little attention. The general feeling is, that peace will be possible only after a more decided success than either belligerent has yet achieved.

I have, &c.,

HORACE MAYNARD.

[Inclosure in No. 194.]

*Exile of the ex-minister of war and the accused generals.*

[From the Daily Levant Herald of September 6, 1877.]

The Sultan has issued an imperial decree concerning the trial by court-martial of Redif Pasha, ex-minister of war; Abdul Kerim Pasha, ex-commander-in-chief, and Serdar Ekrem; Eshref Pasha, late commander at Rustchuck, Ahmed Khonlorssi Pasha, who had charge of the defense of the Balkans on the occasion of their passage by General Gourko and the Russians; Ahmed Hamdi Pasha, late in command at Sistova; General Safvet Pasha, and General Mahmoud Pasha (Freund), who sustained the reverse at Medun during the last Montenegrin campaign. The decree orders that the trial of these officers, formerly in high command, be deferred till after the war, and that in the mean time they have assigned to them as a residence the island of Lemnos in the Turkish Archipelago. The accused generals were in point of fact conveyed away from Constantinople for that destination yesterday (Wednesday), on board the imperial dispatch-boat *Sureya*.

[From the Daily Levant Herald of October 2, 1877.]

As a mark of his appreciation of their signal services to the state during the present war, the Sultan has been pleased to confer upon Osman Pasha, for his defense of Plevna, and upon Ahmed Moukhtar Pasha, for his conduct of the campaign in Asia, the title of *Ghazi* (The Victorious), and the decoration of the imperial order of the *Osmanié* of the first class, set in diamonds. His Majesty further presents to each of these gallant generals a jewel-hilted sword and two Arab chargers of the purest breed.

[From the Daily Levant Herald of October 30, 1877.]

General Mehemet Ali Pasha, recently commander-in-chief on the Danube, left Constantinople yesterday afternoon on board the Italian steamer *Enna* for Salonica, whence he will proceed with all dispatch by railway, via Uskup, to Bosna-Serai, to reassume his old command of the army corps in Herzegovina, for the purpose, doubtless, of keeping a watchful eye upon the Montenegrin and Servian frontiers, and holding in check the desultory semi-insurgent, semi-brigand outbursts which the local authorities occasionally report from Bosnia and the Herzegovina, those twin provinces of sinister renown, *fons et origo malorum*.

No. 502.

*Mr. Maynard to Mr. Evarts.*

No. 204.]

LEGATION OF THE UNITED STATES,  
*Constantinople, November 30, 1877. (Received Dec. 31.)*

SIR: The month just closing has witnessed increasing energy in waging the Turko-Russian war, with continued advantages on the part of Russia. As intimated in my dispatch No. 194 of October 31, 1877, fortune had begun to incline to that side, and since that date the inclination has been more marked.

On the 18th instant Kars, after a defense of nearly seven months, fell, with a serious loss of men and material of war. This was undoubtedly a heavy blow to the Turks. The place itself, which has figured prominently in previous wars and had been fortified with great skill, was for them a bulwark on the frontier, and at the same time a standing menace to their neighbors. The reduction of the place, moreover, leaves the army of General Loris Melikoff at liberty to communicate with other Russian troops operating against Erzeroum, to which Ahmed Moukhtar Pasha has retired with the strength of his command. It is understood this general had so much doubt of the practicability of holding Erzeroum against the forces thus united upon it that he submitted the question of attempting to do so to the decision of the Sublime Porte; that thereupon a council of ministers was called and a decision made to hold it to the last extremity. This will no doubt be done.

These renewed efforts of Russia, on this part of the theater of war, wear the appearance of an ulterior purpose to hold the conquered territory. From the first their treatment of the Armenian population has been confessedly kind, though sometimes ascribed to politic motives. The condition of this people in the territory held by the conquering Russians and in that where the Turkish arms prevail is in marked contrast. Some credit should probably be given to the personal efforts of General Loris Melikoff, second in command, I believe, to the Grand Duke, and regarded here as the military genius of the Russians in that part of the field, who is himself a native of Armenia. Still, should Russia be in an attitude at the close of hostilities to insist upon terms of peace. I suspect they will be so dictated as to avoid another siege of Kars in any future war.

On the Danube there has been little change in the positions of the respective armies. The Russians maintain the Shipka Pass and the Turks are still in Plevna, though they can hardly be said to command it. Sulieman Pasha has strengthened rather than shifted his position on the Lom. Mehemet Ali Pasha, of whom I made mention in my dispatch No. 194, has collected a considerable army in the neighborhood of Orkhanieh to create a diversion in favor of Plevna. The Russians, on the other hand, have multiplied their forces around Plevna. They have drawn a line of circumvallation, which devolves upon Osman Pasha the task not of holding the post but of escaping from it. A few days ago came the gratifying report that he had successfully cut his way out in the direction of Rahova, inflicting an immense destruction upon the enemy. It turns out, however, that he attempted the movement, but without success. The fighting has been constant, with some advantages claimed by the Turks under Sulieman Pasha, which have been more than counterbalanced by losses in the neighborhood of Orkhanieh. Up to this time the season has been unusually mild, admitting of active operations much later than seemed probable two months ago.

I have on several occasions alluded incidentally to the condition of the Bulgarians. So far they appear to have been much the greatest sufferers by the war. \* \* \* It was their peculiar misfortune that these atrocities became to some extent an issue in British partisan politics, and especially that they awakened the sympathies of the opposition rather than that of the ministers. \* \* \*

In the matter of their relief, the stream of charity is well-nigh dried up. A late writer, believed to be well informed, states that 2,500 Turkish refugees at Adrianople were receiving the care of three English societies, while 11,000 Bulgarians, with almost as many more on the road, were dependent on the private exertions of the local committee of Consul Blunt and others, though the need of the Christian refugees could be no less intense than the want last year. This local committee by no means confines its exertions to the relief of the Christians, as will appear from the scheme of their organization inclosed.

In this connection I inclose the programme of another society for the relief of Turkish sufferers, originated and actively sustained by the wife of Her Britannic Majesty's ambassador and the wife of the minister of Sweden and Norway, who give to it much of their time and personal exertion. An organization on a larger scale for the benefit of the sick and wounded Turkish soldiers is the Red Crescent Society very liberally patronized.

The Bulgarians have not only been unfortunate in the loss of sympathy and succor they sorely need, but have undergone the spoiling of their goods, imprisonment, torture, exile, and death. The extent of these inflictions I cannot give; I only know historically that it is very great, and has drawn forth, as I have reason to believe, vigorous remonstrances from Great Britain and Germany, and perhaps from other powers.

It is in view of this condition of things in that province that His Highness the Grand Vizier has just issued a proclamation to the Bulgarians, of which are appended copies in English and French. Possibly such a document might be less declamatory and more specific without detracting from its effect abroad. At home, it is likely to fail of any good result from the utter want of confidence on the part of those to whom it is addressed in anything emanating from this source.

A recent measure of the Sublime Porte has attracted a good deal of attention, being nothing less than the organization of 150,000 Christian subjects into a military corps for home service, to be called the Civic Guard. This is a departure from all the traditions of Islam, according to which the Mussulman alone is worthy to bear arms. If it were a time of peace, I believe the Christians would eagerly embrace the opportunity. One of their chronic grievances has been their persistent exclusion from the army. But now they fear being sent at once to the front, into a service full of imminent peril for which they are wholly without the necessary training, even if their inclinations were on this side of the conflict, and all with one consent, Greeks, Armenians, and Bulgarians, express an aversion to the measure.

In my dispatch No. 147, of April 25, 1877, I mentioned the negotiations just broken off between the Sublime Porte and Montenegro, the claim on the part of the latter to extend her boundary northward so as to include the strong post of Nicsitch and also to the coast, giving her a harbor on the Adriatic, and the refusal of the former to admit the claim in either respect. I have given from time to time a syllabus of the subsequent military operations in this province, the victualing of Nicsitch by the Turks (dispatch No. 169, of July 3, 1877), the withdrawal of

Suliman Pasha and his army (dispatch No. 181, of August 31, 1877), and the capture of Niesitch by the Montenegrins (dispatch No. 185, of October 1, 1877). They seem now to have turned their attention to the seacoast, with a view to the possession of the Albanian port of Antivari, held by a Turkish garrison. Two iron-clads have gone to assist in the defense, and so far the Montenegrins appear to have been unsuccessful. Such at least is the report here.

A few days ago the Sublime Porte declared a blockade of the coast from Spizza to Dulcigno, giving information of it to the other powers by a circular diplomatic note of the 27th instant, which I am requested to bring to the knowledge of my government, and of which I inclose a copy with a translation. It is perhaps worthy of remark that this blockade is identical in principle with the blockade proclaimed by the President of the United States April 19, 1861.

I have, &c.,

HORACE MAYNARD.

[Inclosure 1 in No. 204.—Translation.]

*Proclamation of the Grand Vizier.*

**BULGARIANS!** For centuries you have lived under the paternal protection of the Imperial Ottoman Government; you have preserved your nationality, and exercised your religious rights in full liberty and security; in one word, in living with your Mussulman compatriots as true brothers and in the free exercise of your commerce and industry, you presented the spectacle of a perfectly happy family.

Every one is aware of the progress which, thanks to the solicitude and benevolent support of the Imperial Government, you have made in public instruction, agriculture, and the arts, and the part reserved for you in the administration of the country was one of gradually increasing influence. The imperial government did not cease to occupy itself with your religious affairs, ever showing itself anxious to procure for you the greatest freedom of action in its power for the exercise of your faith. In presence of these privileges His Majesty the Sultan, our august sovereign, had a right to expect on your part the greatest proofs of fidelity and devotion. Nevertheless a certain number of your countrymen allowed themselves to be deceived by the false promises of agitators, wandered from the straight path of conciliation, and even raised the standard of revolt.

This conduct surprised the whole world, and the acts of cruelty which have been its result have profoundly afflicted the heart of His Majesty the Sultan, our magnanimous benefactor. I am also persuaded that if the individuals in question, whose audacity was only equalled by their ignorance, had looked around them, they would have seen with their own eyes that the nations which were represented as enjoying the greatest happiness were on the contrary suffering the greatest misery, being deprived of every species of liberty, and that the words autonomy and nationality, of which so much use was made, were nothing more than terms used to deceive, invented to lead them astray and to encourage them to enter upon fatal and dangerous paths, which unfortunately they only did too easily. Their duty was to imitate the conduct of their co-religionists, who remained faithful, appreciating at its just value the paternal *régime* under which they lived.

They should not have departed in any single point whatever from the precepts of honor and loyalty. They should not have allowed themselves to be made the blind instruments for the ruin of their own country. But, at the same time, I return thanks to God that I am able to proclaim, to the honor of the Bulgarian nation, that the number of these blinded men constitute but a feeble minority, and that the great majority have remained faithful to their principles.

**Bulgarians!** faithful subjects of His Majesty! Know that our august sovereign, of whom we ought to be proud to be the subjects, is animated with such sentiments of justice and clemency, that far from feeling for the Bulgarian people less affection and solicitude than formerly in consequence of the crimes committed by a feeble minority, who have been led astray and who themselves were hardly conscious of their acts, is disposed to grant pardon to all those who, returning to the path of duty, make appeal to his magnanimity.

**Bulgarians!** Those among you frightened at the crimes committed by your compatriots who have abandoned their hearths and homes and sought refuge in the mountains for fear of being exposed in their habitations to punishment or reprisal, may be



reassured as to their lot. By order of His Majesty the Sultan, I invite them to return to their villages. The constitution granted by His Imperial Majesty the Sultan is sufficient guarantee at present and in future for the security of all.

Bulgarians! the faithful subjects of His Majesty can count to-day more than ever on the aid and protection of the imperial authorities, while all those who ill-treat His Majesty's faithful subjects will be liable to punishment according to law.

Bulgarians! It remains with you to profit from the advantages that I now solemnly offer you in the name of the Sultan.

Those, however, who refuse to benefit from these advantages, who are the cause of their wives and children being exposed to the rigors of the season by keeping them away from their dwellings, thus condemning them to cruel privations and to a life of adventure, are alone responsible before God and man for the evils they are the authors of.

SUBLIME PORTE,

November 15-27, 1877.

[Inclosure 2 in No. 204.—Translation.]

CIRCULAR.

*Blockade of the coast between Spizza and Dulcigno.*

SIR: I have the honor to inform you that after to-day all that part of the coast of the vilayet (province) of Scutari in Albania, between Spizza and Dulcigno, is declared and placed in a state of blockade.

A sufficient force of the vessels of the imperial navy will maintain this blockade.

I beg you will bring this measure to the knowledge of the Government of the United States of America, and, also, to that of American seamen.

Accept, sir, a renewed assurance, &c.,

SERVER.

MR. MAYNARD,

*Minister Resident, &c., &c., &c.*

No. 503.

*Mr. Maynard to Mr. Ecarts.*

No. 207.]

LEGATION OF THE UNITED STATES,

*Constantinople, December 17, 1877. (Received Jan. 17, 1878.)*

SIR: I have the honor to inclose the imperial address delivered before the two houses of the Ottoman General Assembly at the opening on the 13th instant. The English and the French versions will both be found.

Like most state papers of the Sublime Porte, it is prepared with consummate skill, and can hardly fail to create a favorable impression abroad. At home repeated disappointment of high-raised hopes will repress popular enthusiasm.

The new House of Deputies has organized temporarily by the choice of Mikhalaki Effendi, a Bulgarian from Philippopolis, to preside. The president and first and second vice-presidents are to be appointed by His Imperial Majesty the Sultan, from a list of three candidates for each office elected by the house. The president of the former house, the learned Ahmed Vefik Pasha, is not a member of the present house.

I am, &c.,

HORACE MAYNARD.

[Inclosure in No. 207.—Translation.]

*The Sultan's speech.*

I rejoice to open the Parliament and to meet the deputies of the nation. You are aware that Russia having declared war upon us last year, our government has been obliged to defend itself and resist aggression. The war continues to this moment. Four years ago an insurrection had broken out in Herzegovina and in other localities.

Notwithstanding the equality which we had decreed should exist between all classes of our subjects, and the immunities which tended to keep up their different languages and races, one portion of our subjects had strayed from their duty into unlawful courses. These misguided men have not only done harm to their fellow-subjects, but have done themselves grievous injury. The inhabitants of Moldo-Wallachia possessed local autonomy which insured their welfare, and they had no legitimate cause for declaring war to our government. These facts, unprecedented in history, have intensified the difficulties of the war, but the country has nevertheless put forth all the resistance of which it was capable. By the proofs of self-denial which all classes of Ottomans have given, they have shown their patriotic spirit. The courage and bravery of our soldiers have excited universal admiration. I appeal to the patriotism and support of all my people to defend our sacred rights. One of the most satisfactory measures taken by our government is the promotion of a civic guard, which will soon be completed. Our non-Mussulman subjects have displayed a conscientious desire to share in the defense of the country. The constitution has completely confirmed the rights granted to our non-Mussulman subjects; by their perfect equality in the eyes of the law, they have also acquired the equality of rights and duties. It was therefore natural that they should share in the military service, which is the first of duties and the origin of equality; consequently we cannot sufficiently appreciate their readiness to accomplish this duty. The government has decided to enlist the non-Mussulman population in the ranks of the army.

The only safeguard for the empire is to carry out the constitution in a complete manner. Our dearest wishes are to see all classes of our empire enjoy the blessings of complete equality, our country profit by the progress of modern civilization, the reform of our financial administration, the execution of all our engagements, the division of taxes and charges according to the rules of good political economy, and the collection of the revenues without damaging the interests of the people, the revision of the judicial system according to the exigencies of the times, so as to insure the exact distribution of justice in our tribunals, the reforms of the vakoofs to facilitate the tenure of landed property, the formation of communes, which is to be the basis of our administrative system, and the settlement of their special attributes; finally, the reorganization of the gendarmerie (police force). Unfortunately the calamities of war, which have surpassed all limits, have retarded the accomplishment of our sincerest wishes. An inoffensive numerous population, women and children, whose life and honor should be sacred according to the rules of warfare, have been exposed to barbarous and cruel atrocities, which, however, conscience reproves. I still hope that nothing will prevent the progress of justice in the future. The municipal law proposed last year for the capital and the provinces, submitted to the Parliament and embodied in a code of laws, and the internal regulation of the senate and the chambers, both approved, have been carried out. Other regulations prepared by the council of state will be this year also submitted to your attention. There are some amongst them of great importance, such as those concerning the civil procedure, the general election, the duties of members and council of ministers, the high court of justice, the *cour des comptes*. You will also have especially to discuss these proposals, to resolve on certain questions relating to the laws of the provinces, the public press, the taxes, and to the state of siege, which have been discussed in the last session. I call your special attention to the budget regulations for the next year. We have not omitted to make internal reforms, although the government was engaged in a great war. I may give this as an evident proof of our desire to stimulate the progress of the country. Gentlemen, deputies, it is by perfect liberty of discussion that the truth can be elicited in questions of political and civil rights, and the public interests secured. This liberty has been ordained by the constitution. I think it is useless to give you further injunctions on this subject. Our relations with friendly powers are of the most cordial kind. May the Most High bless our common efforts.

---

No. 504.

*Mr. Maynard to Mr. Erarts.*

No. 224.]

LEGATION OF THE UNITED STATES,  
Constantinople, February 15, 1878. (Received March 12.)

SIR: For several days past there has been in the city much anxiety and public excitement. In a recent dispatch, No. 219, I mentioned the movement of the British fleet from Besika Bay to the entrance of the

Dardanelles. On the 10th instant the fleet was announced once more, and its arrival expected that day. It did not come as anticipated, and it was derisively placarded as lost. This morning, however, four iron-clads arrived off the Bosphorus and anchored at the Prince's Islands. Five more ships are reported inside the Straits, making a fleet of nine vessels near at hand, and it is understood against the protest of the Sublime Porte.

It has been the current belief that the Russian army, but a few hours distant, would be allowed by the Turks, if not invited by them, to march upon the city, should the British fleet arrive, and it is now hourly expected, and rumors many are afloat of its near approach. Apprehension is alive. There seems to be no available Turkish force remaining, and it is supposed the Sultan will retire to Brooossa or to some other point in Asia, if indeed he has not, as many think, already gone. The Sultan gone, the grand vizier no more, the general assembly dissolved, the army practically disbanded, a Russian force in the capital, a British fleet equally unwelcome in the harbor, altogether seemed an ill-boding concurrence of events. The papers this evening contain a carefully-prepared statement, evidently authorized, purporting to give the actual condition; and considerably modifying the popular estimate. A copy is inclosed. Even as here stated the situation is very critical, and gives food for serious thought. The inquiry is constantly heard, Is the war ended, or has it only just begun?

I have, &c.,

HORACE MAYNARD.

[Inclosure in No. 224.]

*Statement of the political situation in Constantinople.*

[From the Daily Levant Herald of February 15, 1878.]

A special ministerial and national council was held on Wednesday last at the imperial villa of Yeldiz-kiosk, under the presidency of the Sultan. All the ministers, several senators, the president and vice-presidents of the chamber of deputies, four of the principal ulemas, and several general officers, in all some forty-three high Ottoman dignitaries, were present. At this council, Ahmet Vefyik Pasha, the prime minister, made a statement recapitulating the important events which have happened during the past few weeks. He pointed out that, at the extraordinary council of war which was held about a month ago, the conclusion was arrived at that Turkey had no longer sufficient forces to continue the armed contest with Russia with any chance of success. He reviewed the negotiations which had been entered upon relative to the armistice, as also those which had taken place between England and Russia, and he read to the council the general bases of peace, as also the terms of the convention of armistice. His highness the Turkish premier went on to say that ten days ago England asked permission of the Porte to allow her fleet, stationed in Besika Bay, to pass through the Straits of the Dardanelles and enter the Sea of Marmora, but that the Ottoman Government had declined to give this permission, basing its refusal upon the treaties now in force, whereupon the British fleet had withdrawn from the entrance of the Straits. Some three days ago, however, England had repeated her request, and, to complicate matters, the Russian Government had also apprised the Porte, by a direct telegraphic dispatch from St. Petersburg, that it would cause its troops to enter Constantinople as soon as the English fleet appeared before that capital. The Porte, thereupon, submitted to the English ambassador (Mr. Layard) the painful position in which it was placed by this determination of the English cabinet; but, notwithstanding such appeal, Her Majesty's ambassador insisted, and the Porte, not wishing to oppose by force a power with which she was not at war, contented itself with recording a protest against the passage of the Straits. His Highness further said that, these being the circumstances, it behooved the extraordinary council then convoked to come to a decision on the subject of the occupation of Constantinople by the Russians. After deliberation, all the members of the council came to the conclusion that it was necessary to submit to the demand of an occupation of the capital put forward by Russia, and a council-minute was signed to that effect, three or four members only of those present

refraining from affixing their signatures to this document. The council then further decided that a special commission of Turkish generals should come to an understanding with the Russian commanders, in order that the Russian troops should not be allowed to circulate in any considerable numbers in the bazaars and in the public thoroughfares, and with regard to other suitable measures advisable to be adopted, so as to obviate the danger of conflicts and to insure public order and security during the Russian occupation. A member of the council expressed his opinion that it would be desirable that, while such occupation lasted, the Sultan should proceed to some place of residence in his dominions other than Constantinople, but His Highness Ahmet Vefyik Pasha set aside this matter as not being within the province and competency of the council to deal with. Before the council separated, a telegraphic dispatch from St. Petersburg was received, addressed by the Emperor of Russia to the Sultan, in which the Czar stated that, having learned that the Sultan had communicated by telegraph direct with Queen Victoria, he (the Czar) consented to wait a few hours longer, not wishing to cause unpleasantness to His Majesty.

---

No. 505.

*Mr. Maynard to Mr. Erar's.*

No. 228.]

LEGATION OF THE UNITED STATES,  
*Constantinople, February 28, 1878. (Received April 1.)*

SIR: This month has witnessed the close of the Turko-Russian war, at least between the two belligerent parties hitherto engaged. Should hostilities continue, it will be because other powers are drawn into the controversy.

I mentioned in my dispatch of the 11th instant, No. 222, that an armistice had been concluded at Adrianople the 31st of January. In my dispatch, No. 219, of that date I inclosed what had been published as the terms likely to be agreed upon. The full text of the articles I have not seen, if indeed it has ever been published. A summary of them was read in the British House of Commons, during the debate of the 8th instant upon the six million bill, by the chancellor of the exchequer, on the authority of Her Britannic Majesty's ambassador in Constantinople. The same has been published in this city and is herewith inclosed.

It will be found entirely different from the terms previously reported as the basis of the negotiations, so different indeed as to suggest a purpose in the previous publication. As agreed upon, the armistice might have been terminated and hostilities renewed by either party after three days' notice. To do so neither party has shown the slightest inclination. On the contrary, the lines of demarkation limiting the neutral territory were promptly established, the blockade of the Black Sea was raised, and the other conditions observed.

Arrangements were at once made to negotiate a treaty of peace. On the part of Russia, General Ignatiew, for many years ambassador near the government of the Sultan and personally very acceptable, was designated as plenipotentiary; on the part of Turkey, his excellency Safort Pasha, imperial minister of foreign affairs, and his excellency Sadonillah Bey, the Ottoman ambassador at Berlin.

The latter named of the two arrived here five days ago by the way of Trieste.

The place selected for the meeting of the plenipotentiaries was San Stefano, a small town on the Sea of Marmora, half way to Tchekmedje, the line of the neutral ground, associated with the history of this legation by having been for many years the official residence of Commodore Porter, the first United States minister near the Sublime Porte. Of late years it has become principally a summer resort for wealthy persons, who have built large houses, which, at this season unoccupied by the owners, furnish commodious lodgings for the extraordinary visitors.

The Grand Duke Nicholas lends his presence, with some fifteen hundred of his soldiers.

Last Monday, during my usual weekly call on the minister of affairs, his excellency Assym Pasha, who, in the absence of his excellency Safvet Pasha, has charge of the foreign office, informed me that he expected the treaty would be signed that day. It appears not to be so, and though we have had similar reports every day since, I reason to believe the instrument is still unsigned and incomplete. The only article which has been closed is what appeared in the press last evening as the chief condition.

In my dispatch No. 219, of January 31, 1878, I mentioned that the Russian Pasha had been criticised for failing to concentrate the force under his command against the Russian approach south of the Bosphorus. In a subsequent dispatch, No. 226, of February 21, 1878, was included a paragraph from the press, bringing him into the same condemnation with Server Pasha, late minister of foreign affairs. Undoubtedly he has been guilty of what in Turkish estimation is a grave military offence. Between him and the minister of war there is understood to have long existed an unfriendly rivalry, of which he will very likely experience the ill consequences. Now, I learn, he has been arrested and is in prison. Mehemet Ali Pasha, who was twice deposed by him, has been restored to favor.

On the 15th instant [dispatch No. 224] I reported the arrival of the British fleet and its anchorage at the Princes' Islands; also the consequent anxiety and public excitement. The next day, at the request of the Sultan, Her Britannic Majesty's ambassador instructed Admiral Hornby, in command of the fleet, to take it to the Gulf of Ishmeed (Niconudia). The fleet accordingly left the Princes' Islands, the remoter locality and anchored at Touzla Point, near the entrance of the gulf, distant possibly twenty miles and out of sight of the coast where it remains. This movement of Her Majesty's fleet is assigned both by the Turkish and Russian as the reason for selecting San Stefano instead of Adrianople as the place for the negotiations, it being just opposite the Princes' Islands and in full view.

It is beyond my province, no doubt, to take note of affairs outside the limits of the Ottoman Empire, except to report their influence on Turkey. Those will be observed and communicated more accurately and intelligently by my colleagues near at hand. And although other European powers have shown a profound interest in the solution of the Eastern question, they do not seem just now to be important factors in its solution. The recent speech of Prince Bismarck in the German Reichstag; the language of Prince Auerberg, the Austrian premier, in the Austrian Chamber of Deputies; the debates in the British House of Commons; the unopposed vote of the six millions; the mobilization of the British army and the activity of the navy, all full of meaning, if not of menace, have not swerved the Sublime Porte from its resolution to peace on the best attainable terms. How far they may affect the negotiations of the treaty, by modifying demands on the one hand and concessions on the other, is yet to be seen.

I have, &c.,

HORACE MAYNAI

[Inclosure 1 in No. 228.]

*Summary of the articles of the armistice.*

[From London Times, February 9, 1878.]

Further correspondence respecting the affairs of Turkey was issued from the Foreign Office last night. In the first dispatch, Acting-Consul Freeman telegraphs that

Derby from Serajevo, February 7: "Vice-Consul Cooper reports from Novi-Bazar that in spite of the armistice the Servians continue to advance in the neighborhood of Sjenica." The only other dispatch published is that from Mr. Layard to Lord Derby (received February 8), telegraphed from Constantinople February 7. The armistice contains ten articles. It is concluded between Russia, Servia, Roumania, and Turkey:

"1. A notice of three days must be given before a resumption of hostilities takes place. The armistice is to be communicated to Montenegro by Russia.

"2. Restoration of the guns and territory taken after the signature.

"3. Gives the details of line of demarkation and neutral zone for Turkey, Russia, and Servia, placing in Russian hands almost all Bulgaria, Roumelia, and Thrace up to the lines of Constantinople and Gallipoli. Fortifications are not to be retained on the neutral territory, and no new ones are to be raised there. A joint commission will determine the line of demarkation for Servia and Montenegro. The Russians to occupy Bourgas and Midia on the Black Sea in order to obtain supplies, but no war material.

"4. Armies beyond line of demarkation to be withdrawn within three days of signature of armistice.

"5. The Turks may remove arms, &c., to places and by routes defined, on evacuating the fortifications mentioned in article 3. If they cannot be removed, an inventory of them is to be taken. The evacuation is to be complete within seven days after the receipt of orders by the commanders.

"6. Sulina is to be evacuated within three days by the Turkish troops and ships of war, unless prevented by ice. The Russians will remove the obstacles in the Danube, and will superintend the navigation of the river.

"7. The railways to continue to work under certain conditions.

"8. Turkish authorities to remain in certain places.

"9. Black Sea blockade to be raised.

"10. Wounded Turkish soldiers to remain under the care of Russia.

"The armistice commenced at 7 p. m. on the 31st of January.

"The Turks have commenced the withdrawal of guns from the Constantinople lines.

"The Russian and Turkish commanders on the spot are to settle matters relating to the armistice in Armenia."

---

[From Daily Levant Herald, February 20, 1878.]

Acting-Consul Freeman telegraphs to Lord Derby from Serajevo, February 7: "Vice-Consul Cooper reports from Novi-Bazar that in spite of the armistice the Servians continue to advance in the neighborhood of Sjenica." The only other dispatch published is that from Mr. Layard to Lord Derby (received February 8), telegraphed from Constantinople February 7. The armistice contains ten articles. It is concluded between Russia, Servia, Roumania, and Turkey:

1. A notice of three days must be given before a resumption of hostilities takes place. The armistice is to be communicated to Montenegro by Russia.

2. Restoration of the guns and territory taken after the signature.

3. Gives the details of line of demarkation and neutral zone for Turkey, Russia, and Servia, placing in Russian hands almost all Bulgaria, Roumelia, and Thrace, up to the lines of Constantinople and Gallipoli. Fortifications are not to be retained on the neutral territory, and no new ones are to be raised there. A joint commission will determine the line of demarkation for Servia and Montenegro. The Russians to occupy Bourgas and Midia on the Black Sea, in order to obtain supplies, but no war material.

4. Armies beyond line of demarkation to be withdrawn within three days of signature of armistice.

5. The Turks may remove arms, &c., to places and by routes defined, on evacuating the fortifications mentioned in article 3. If they cannot be removed, an inventory of them is to be taken. The evacuation is to be complete within seven days after the receipt of orders by the commanders.

6. Sulina is to be evacuated within three days by the Turkish troops and ships of war, unless prevented by ice. The Russians will remove the obstacles in the Danube, and will superintend the navigation of the river.

7. The railways to continue to work under certain conditions.

8. Turkish authorities to remain in certain places.

9. Black Sea blockade to be raised.

10. Wounded Turkish soldiers to remain under the care of Russia.

The armistice commenced at 7 p. m. on the 31st of January.

The Turks have commenced the withdrawal of guns from the Constantinople lines.

The Russian and Turkish commanders on the spot are to settle matters relating to the armistice in Armenia.

[Inclosure 2 in No. 228.]

*Rumored conditions of the treaty of peace.*

[From the Daily Levant Herald, February 27, 1878.]

## THE PEACE NEGOTIATIONS—THE CHIEF CONDITIONS—RUSSIAN REQUIREMENTS.

A further conference took place yesterday (Tuesday) at San Stefano between General Ignatieff and Safvet Pasha, the two first plenipotentiaries, on the subject of the conditions of the preliminaries of peace. The instrument embodying these conditions is on the eve of signature, and we believe that the following will be found to be the essential parts of the clauses containing the principal demands and requirements of Russia:

**Bulgaria.**—Bulgaria will form an autonomous (self-governing) tributary principality, with a national Christian government. The tribute it will pay to Turkey will be equal to the revenue of the same territory previously encashed by the Ottoman treasury. The prince of the new state of Bulgaria (who must not be a member of any of the reigning families of the great powers) will be elected by an assembly of Bulgarian notabilities. The principality of Bulgaria will comprise all the country [now generally known as Bulgaria proper] lying between the Danube and the Balkans, and up to the frontier of Servia (with the exception of the Dobrudja). South of the Balkans [in Roumelia and Thrace], Bulgaria will extend to and embrace Midia on the Black Sea, whence the frontier, tending westward, will pass north of Adrianople, and between that city and the station of Mustapha Pasha [thus leaving Adrianople to Turkey], and, following up to the river Maritza, will include within the territory of Bulgaria the whole of the right bank of that river as far as its mouth, and will comprise Cavalla, Mount Athos, and Salonica. [The new principality of Bulgaria will thus have the port of Midia on the Black Sea, and the ports of Cavalla and Salonica on the Archipelago].

**Roumania.—Cession of the Dobrudja.—Bessarabia.**—The Dobrudja [which is not included in Bulgaria] will be ceded by Turkey to Russia, and Russia reserves to herself to make an exchange of the Dobrudja with Roumania, in lieu of Bessarabia, to be retroceded by Roumania to Russia.

**Servia.**—The territorial additions to Servia will comprise certain districts in the direction of Nish and of Bosnia, heretofore in possession of Turkey.

**Montenegro.**—The delimitation of the frontier of Montenegro will be arranged on the principle of the *uti possidetis* [what was held by the belligerent at the conclusion of the armistice], and the Principality of Montenegro will thus receive the ports of Spitz, Antivari, and Dulcigno on the Adriatic.

**Bosnia and the Herzegovina.**—The provinces of Bosnia and the Herzegovina will receive an autonomous (self-governing) organization, according to the programme of the conference of Constantinople.

**The other provinces of European Turkey.**—There shall be applied to the other provinces of European Turkey the reforms proposed by the same conference. [That, of course, embraces the Greek border-provinces of Thessaly and Epirus.]

**The Straits of the Dardanelles and the Bosphorus.**—Concerning the question of the Straits of the Dardanelles and the Bosphorus, the existing *status quo* will be maintained for vessels of war; but there will be complete freedom of passage and transit for vessels of commerce.

**Russian occupation of Bulgaria.**—The newly-formed tributary state of Bulgaria will be occupied for the period of a year by a Russian army corps of 50,000 men, in order to see to the proper organization of that principality.

**The war indemnity.**—The indemnity of war to be paid by Turkey to Russia will amount to an estimated value of one milliard four hundred thousand roubles (1,000,400,000 roubles). [Calculating the rouble at 4 francs, this amounts to rather more than four milliards of francs, or about £160,000,000 sterling. The war indemnity paid by France to Germany was five milliards of francs, or £200,000,000 sterling.] Of this indemnity of rather more than £160,000,000 sterling, the proportion of £40,000,000 sterling (one milliard of francs) will be paid in bonds, guaranteed upon the tribute of the new Principality of Bulgaria, the Egyptian tribute, and the revenues of Anatolia. In payment of the rest of the indemnity [rather more than £120,000,000 sterling], Turkey will cede to Russia the following fortified places in Armenia, and the territory comprised between them, namely, Batoum, Kars, Ardahan, and Bayazid. This cession will be computed at a money value, and Turkey will further give up to Russia, also to be computed at a money value, six vessels of her fleet.

**Further special compensation.**—In addition to this war indemnity, Turkey will pay a sum of 10,000,000 roubles (or about £1,600,000 sterling) as compensation for the Russian merchants and traders who were expelled from the Ottoman dominions at the beginning of the war, and will also repay its capital to the Russian hospital in the Ferikei suburb of Constantinople, which was founded shortly before the war, such capital con-

sisting in Turkish consolidés, and estimated probably at something like 50,000 roubles (or about £8,000 sterling).

We believe that the main point in the above conditions upon which discussion is still maintained between the Russian and Turkish plenipotentiaries, and which delays the final signature of the protocol of peace, is that relating to the giving up of six vessels of the Turkish iron-clad fleet as a part contribution towards the payment of the war indemnity.

---

No. 506.

*Mr. Maynard to Mr. Erarts.*

[Cipher telegram.]

CONSTANTINOPLE (PERA), *March 6, 1878.*

(Received March 6, 1878—10.30 a. m.)

Preliminaries of peace between Turkey and Russia signed at San Stefano on Sunday last.

MAYNARD,  
*Pera.*

---

No. 507.

*Mr. Maynard to Mr. Erarts.*

No. 229.]

LEGATION OF THE UNITED STATES,  
*Constantinople, March 6, 1878.* (Received April 3.)

SIR: I have sent you to-day a cipher dispatch, of which a copy is inclosed, announcing the signing of the preliminaries of peace by the Turkish and Russian plenipotentiaries, at San Stefano, on the 3d instant. Though accomplished at a late hour of the day, it was reported here the same evening in a form to demand credence had there not been so many similar reports previously which proved unfounded. The minister of war, who called at the legation the following day, gave full confirmation. He added that it was a very sorrowful event for Turkey. As San Stefano will henceforth bear some distinction as the locality of this treaty, I inclose a short historic notice of it.

The ratifications of the treaty will be exchanged, I understand, at St. Petersburg, where Turkey will be represented by a special envoy. His excellency Raouf Pasha, minister of war, will probably be selected for that duty. The Ottoman Government will shortly, I presume, dispatch an ambassador of the Porte to the Russian capital.

A congress of the European powers is proposed, to meet at some point on the continent. Berlin has been indicated. Several days ago it was published that Russia had invited the United States to participate, and I have been frequently asked whether we should probably accept the invitation. I have invariably replied that I had no information whatever on the subject, but that our traditional policy of friendly relations with all the European powers, entangling alliances with none, would undoubtedly be observed. Should the congress assemble, as indicated, the Department of State will naturally expect the report of its proceedings from some of my colleagues nearer by rather than from me.

I have, &c.,

HORACE MAYNARD.



[Inclosure 1 in No. 229.—Telegram.]

*Mr. Maynard to Mr. Evarts.*

CONSTANTINOPLE, March 6, 1878.

EVARTS, Washington :

Preliminaries of peace between Turkey and Russia signed at San Stefano Sunday last.

MAYNARD.

[Inclosure 2 in No. 229.]

*Historical sketch of San Stefano, by Dr. Alexander G. Paspatis.\**

MY DEAR MR. MAYNARD: San Stefano is not mentioned in Byzantine history. In the Lives of the Saints it is said that the body of Saint Stephen, the first martyr, in coming near Constantinople, rested in this village, and was buried in the church denominated after this martyr. Others say that the body of this martyr was buried in Constantinople. You will find in my late work on Byzantium,† mention of San Stefano as the place where the crusaders on June 23, 1203, assembled in the church, and had a council of war to decide upon the best plan for taking the city. At page 175 is a short account of this village, with some remarks in the notes, as follows:

"Sailing up the Hellespont and the Propontis the crusaders landed in the vicinity of San Stefano on the 23d of June, the eve of St. John's day. The walls and lofty towers, the palaces and churches of the city, which could be seen from this point, stupefied the crusaders, who were frightened at the greatness of Constantinople and the temerity of their enterprise."

The same day in that small country town the princes of France and the Duke of Venice assembled in council in the church. (This church was about to fall to pieces, and was demolished in 1844, and on the same site the present one erected.) After much discussion, the details of which, unfortunately, Villardouin does not state (*toutes les paroles qui y furent dites le livre ne nous les contra pas*), the Duke of Venice, sighing, finally spoke:

"Gentlement, I am well acquainted with yonder town, as I once resided there. You know that the extent of country is great, and if we advance by land, our people in distress and starving will become separated in their search for food."

"The population of this city is large, and in spite of our utmost care our followers may be lost. Such a loss will prove fatal for us, because for the task we have undertaken our numbers are small. Within a short distance there are to be seen some islands (the Prince's Islands, which can be seen in the direction of the Asiatic shore from San Stefano). They are inhabited by men who traffic in grain, provisions, and other merchandise. Let us depart thither and provision ourselves with grain and food in the town, and then sail toward the city, and let us ever act in accordance with the decrees of the Almighty. He who has bread is a better soldier than he who is unfed."

The advice of the duke was accepted unanimously by the members of the council.

The wisdom of the old duke's plan was evident. If the crusaders had moved by land from the village of San Stefano toward the land walls, a distance of eight miles, they would have failed in their attempt by reason of the simultaneous attacks made upon them by the inhabitants of the villages in the environs. The adroit capture of the city by sea, accomplished by the Latins, and after it the long siege by Mahomet, largely confirm the old duke's strategical ability.

On the morning of the 24th of June, the crusaders cleared their numerous ships for action, and, fully armed, sailed with a southerly wind from the shores of San Stefano. Their course lay so near the walls of Constantinople that they could throw their arrows into the crowd which covered the battlements and towers of Byzantium."

When Mahomet came to lay siege to the city he destroyed a great tower which existed in the village, and murdered a number of its inhabitants. The village is inhabited by Greeks, Armenians, and some Catholics. Greek families about 70; Armenian families about 25; Catholic families about 10; number of houses about 190.

\* Dr. Paspatis is a Sciote, and one of the few who escaped the massacre of that island in 1822. He was then very young and was taken to America, where he received his education. Constantinople has been his residence many years, and he is reckoned the most learned antiquarian in the city.

† *Byzantine Studies*, Topographical and Historical. By A. G. Paspatis. Constantinople, 1877. 4to, 416 pp. Modern Greek.

San Stefano is visited every summer by wealthy families of the city. It has always been famous for its fish, oysters, and quails. It is ten miles from the harbor and five miles from the land walls. Twenty years ago the number of houses was only about one hundred and ten.

If you desire anything else, please let me know it.

Yours, &c.,

A. G. PASPATI.

PERA, Monday Evening.

---

No. 508.

*Mr. Maynard to Mr. Evarts.*

No. 230.]

LEGATION OF THE UNITED STATES,  
*Constantinople, March 7, 1878. (Received April 3.)*

SIR: I have the honor to announce the arrival of General Grant, ex-President of the United States, on the morning of Friday, the 1st instant, and his departure last evening, after a visit of six days.

Intelligence of his coming had been received a few days previous, and communicated informally to the Sublime Porte. Every disposition was shown to honor the distinguished American, and to make his stay agreeable. A programme of civilities was arranged, of which a copy with a translation is inclosed. It was supposed he would take a hotel while here, and the plan was made accordingly. He decided, however, to remain on the Vandalia, a decision which modified some of the details. Otherwise the scheme was carried out. Much regret was expressed by the Turks that the present unhappy state of their affairs prevented many courtesies they would gladly have extended. I inclose some paragraphs from the daily press, giving General Grant's movements from day to day. The attentions shown by all, from the Sultan to the private subject, including the diplomatic corps and other foreign residents, especially the Americans, were very gratifying, and he left expressing himself well pleased with his visit.

\* \* \* \* \*

I am, &c.,

HORACE MAYNARD.

---

[Inclosure 1 in No. 230.—Translation.]

*Copy of the programme prepared for the ceremonial to be followed on the arrival of the ex-President of the United States of America, General Grant.*

On the arrival of His Excellency, General Grant, in the harbor, the assistant of the grand master of ceremonies, together with an aide-de-camp of the minister of war, will obtain a large boat from the admiralty and go on board the steamer to congratulate His Excellency. Then they will take him in their boat to the Artillery Park, from whence they will accompany him in court carriages to his residence. A colonel of the army who speaks English will be attached to His Excellency. One or two carriages from the palace and a steam-launch will be placed at the disposal of His Excellency during his stay.

In pursuance of a decree of His Imperial Majesty the Sultan, for the admission to a private audience, His Excellency will go to the palace accompanied by the United States minister.

A dinner in his honor will be given at the war department, to which some of the ministry, His Excellency's staff, the minister of the United States, and some of the officials of the United States legation will be invited.

All persons upon whom His Excellency shall call will be obliged to return the call.

NOTE. In the programme no mention is made of Feridoun Bey, who was sent by the government to meet General Grant at the Dardanelles.

[Inclosure 2 in No. 230.—Translation.]

*Extracts from the press on General Grant's visit to Constantinople.*

[From the Daily Levant Herald, March 1, 1878.]

## ARRIVAL OF GENERAL GRANT.

General Grant, the ex-President of the United States of America, arrived in Constantinople early this morning from Smyrna on board the American corvette *Vandalia*. The general is accompanied by Mrs. Grant and his son, Mr. Jesse Grant. The American man-of-war *Despatch*, stationed in the Bosphorus at the service of the legation, being momentarily disabled by an accident to her machinery, some members of the staff of the American legation and consulate in Constantinople went out in a special steamer and met the *Vandalia*, shortly after daybreak, in the Sea of Marmora, beyond San Stefano. This morning being unusually fine, General Grant and his party enjoyed an excellent opportunity of witnessing the splendid panorama of Constantinople on entering from the Marmora, at which they expressed their warm admiration. On the arrival of the corvette in the harbor, the Hon. Horace Maynard, the American minister to the Porte; Mr. Eugene Schuyler, the consul-general and first secretary of legation; General Chambers, the American military attaché; Colonel Greene, Mr. Dimitriadis, first dragoman of the United States consulate, and other officials of the American legation and consulate, together with Feridoun Bey, on the part of the Ottoman Government, went off to welcome the ex-President of the United States on his arrival in the Turkish capital. General Grant received his excellency the American minister, and ex-Representative for the State of Tennessee, and all the members of his staff, as also the representative of the Porte on the occasion, in a very cordial and affable manner.

The general and his party will probably continue to make the *Vandalia* their place of abode during their stay, which will not exceed a week's duration. On leaving Constantinople, they will proceed to Greece, and afterward to Italy.

[From the Daily Levant Herald, March 4, 1878.]

## GENERAL GRANT.

[From "Men of the Time."]

Grant, Ulysses Simpson, eighteenth President of the United States, born at Point Pleasant, Ohio, April 27, 1822. He entered the Military Academy at West Point in 1839, graduated in 1843, received his commission as second lieutenant in 1845, and served in the Mexican campaign under Generals Taylor and Scott. In 1852 he was ordered to Oregon, and in August, 1853, became full captain. He resigned his commission in July, 1854, and, after a residence of four or five years in Saint Louis, removed in 1859 to Galena, Ill., where he engaged in business with his father and brothers. From this privacy he was drawn out by the civil war, and having acted first as aide-de-camp to the governor of Illinois in 1861, and afterward as colonel of the Twenty-first Illinois Volunteers, was appointed a brigadier-general in July, 1861. While in command in Cairo he secured Paducah, and with it Kentucky. In November, 1861, he fought the battle of Belmont, and in January, 1862, conducted a reconnaissance to the rear of Columbus. Fort Henry fell February 6, and ten days after Fort Donelson surrendered to him unconditionally, and this was followed by the evacuation of Columbus and Bowling Green. He was made commander of the district of West Tennessee, and his forces advanced up that river to Pittsburg Landing, and fought April 6 and 7 the battle of Shiloh, at which the Confederate general A. S. Johnston lost his life. He was second in command to General Halleck during the siege of Corinth, and when the latter was ordered to Washington, Grant was appointed to take command of the Department of Tennessee. He captured Vicksburg, after a siege of two months, July 4, 1863, and after the partial defeat of the Union troops at Chickamauga, Tennessee, in September, he was assigned to the command of the largely re-enforced army, and in November defeated General Bragg at Mission Ridge. In March, 1864, President Lincoln appointed him Lieutenant-General, then the highest rank in the Army of the United States, and conferred upon him the powers of General-in-Chief of the vast armies in the field. Invested with this authority, and having reorganized the Army of the East, and arranged with General W. T. Sherman, the commander of the Army of the West, to move against General Johnston, at the same time that he moved against General Lee, he prepared for a vigorous and protracted campaign. The two armies moved early in May, and, after a series of hard-fought battles, after-

nating with repeated flanking movements, which the skill and tact of General Lee rendered abortive, General Grant crossed the James River, between the 12th and 15th of June, 1864, and proceeded to lay siege to Richmond and Petersburg from the south and southeast, while a very considerable army was cutting off their supplies, and destroying their railroads at the north and northwest. The final result was not doubtful from the time he had established himself in this position; but it was only attained after a protracted and vigorous resistance. At length, one railroad after another having been cut, and the two cities of Richmond and Petersburg reduced to great straits, while the army of General Lee was rapidly diminishing, and keeping up its courage by the most perilous sorties and ventures, the last line was broken on April 2, 1865, and Lee and the remnant of his army fled westward. They were pursued by Grant, and blow after blow was struck on their retreating columns. On the 9th of April, 1865, Lee surrendered his entire command to Grant at Appomattox Court-House, Va. The surrender of the other armies, in North Carolina, Alabama, and Texas, followed soon after, and the war ended. After its close, the gratitude of the people to General Grant found expression in numerous and valuable gifts. On July 25, 1866, Congress having created the grade of General of the Army, hitherto unknown in the Army of the United States, he was commissioned General the same day, and Major-General Sherman promoted to be Lieutenant-General. Differing in his views from President Johnson, whose policy had alienated very many of his former friends, a coolness sprang up between the President and the General; this was aggravated by the attempted removal of Secretary Stanton by the President, and still further by the nomination of Grant for the Presidency by the Republican party in May, 1868, and from that time till the close of Mr. Johnson's term of office, in March, 1869, their only intercourse was official. General Grant was elected President in November, 1868, receiving 214 out of the 294 electoral votes of the 26 States then recognized as belonging to the Union. He was inaugurated March 4, 1869. His administration was, upon the whole, highly satisfactory; and in 1872 he was nominated for a second term of four years by the Republican National Convention. But in the meanwhile, dissatisfaction had grown up among some prominent members of the Republican party. These, taking the name of "Liberal Republicans," nominated for President Mr. Horace Greeley, the able editor of the New York Tribune. The Democratic National Convention also nominated Mr. Greeley, although he had always been a strong opponent of the Democratic party. At the Presidential election held in November, 1872, Grant received 268 electoral votes, and Greeley 80. But reckoning by the actual votes cast for each candidate, the election was much more close. The whole number of votes cast was 6,431,149; of these there were for Grant 3,597,070, for Greeley 2,834,079; giving for Grant a majority of 762,991. Mr. Greeley died November 29, 1872, just after the result of the election was evident. During the second administration of President Grant, grave difficulties arose, growing mainly out of financial questions and the disturbed condition of the South. The elections held in November, 1874, resulted almost everywhere in favor of the Democratic party. There was a question at one time of putting forward General Grant for a third term; but this was not done; and last year, after a remarkably close and peculiar contest between Mr. Tilden (Democrat) and Mr. Hayes (Republican), the latter was elected General Grant's successor as President of the United States of America.

---

[From Daily Levant Herald, March 5, 1878.]

#### *General Grant in Constantinople.*

On Friday morning, as we announced in our impression of that day, General Grant, ex-President of the United States, arrived in the Bosphorus from Smyrna on board the United States corvette *Vandalia*, the Hon. Horace Maynard, the American minister to the Porte, Mr. Eugene Schuyler, the consul-general and first secretary of legation, and all the staff of the American legation and consulate in Constantinople, going on board to welcome him. The general was accompanied by Mrs. Grant and his son, Mr. Jesse Grant. The Sultan placed state carriages at General Grant's disposal, and Colonel Yahia Bey, an aide-de-camp of the minister of war, was specially commissioned to attend upon him as a mark of honor during his stay. On Friday afternoon, General Grant and his party called upon the American minister and Mrs. Maynard at the American legation, and afterwards drove through Pera and Stamboul, and visited St. Sophia. They again drove over to Stamboul on Saturday and saw the Bazar and other objects of interest, after which General Grant paid visits to his Highness Ahmet Vefyik Pasha, the prime minister, and to the minister of foreign affairs, the minister of war and marine, as also later in the afternoon to foreign ambassadors. In the evening he dined *en famille* at the legation with Mr. and Mrs. Maynard. On Sunday, the general received calls from the ambassadors, and walked and drove about the town. A projected trip up the Bosphorus was postponed on account of the unfavorable state of the weather. General

Grant and his party dined on Sunday at the house of Mr. Schuyler, the consul general and secretary of legation, where he met in the evening several of the ambassadors and ministers. Yesterday (Monday) an afternoon reception was held at the American legation for the diplomatic body and residents, and in the evening General and Mrs. Grant were entertained at dinner, by Mr. and Mrs. Layard, at the British embassy in Pera. At 12 o'clock to-day (Tuesday) General Grant had an audience of the Sultan, at the imperial villa of Yeldizkiosk, and was very cordially received by His Majesty, to whom he was presented by Mr. Maynard, the American minister; Mr. Schuyler, and General Chambers, the American military attaché, being also present. This evening a state dinner will be given by his Excellency Raouf Pasha, the minister of war, at the Seraskierate, in honor of the ex-President of the United States and former commander-in-chief of the Federal Armies. The invitations include not only the minister and consul-general of the United States, General Chambers, Lieutenant Greene, and the principal members of the staff, but also Captain Robeson, of the United States corvette *Vandalia*, Captain Higginson, of the United States embassy corvette *Despatch*, and Mr. Russell Young, of the *New York Herald*, who is traveling with General Grant. The general and his party will leave Constantinople to-morrow (Wednesday morning), in the *Vandalia*, for Greece.

---

[From Daily Levant Herald, March 7, 1878.]

After his audience with the Sultan on Tuesday, General Grant visited the imperial stables and was much delighted with them. His Majesty offered him a handsome horse as a present, which, however, the general, with many thanks for this mark of the Sultan's kindness and courtesy, felt compelled to decline. Yesterday he had intended taking a trip up the Bosphorus to the Black Sea. But the indifferent weather marred this intention, and he remained all day on board the *Vandalia*. At 5 p. m. the American corvette weighed anchor, conveying the ex-President of the United States and his party to Greece.

---

No. 509.

*Mr. Maynard to Mr. Evarts.*

No. 231.]

LEGATION OF THE UNITED STATES,  
Constantinople, March 13, 1878. (Received April 11.)

SIR: With the return of peace, we have from the Sublime Porte a notice of new police regulations in the matter of passports and of the proprietors of establishments for the entertainment of travelers. Copies of them have been transmitted to the legation with a note from the ministry of foreign affairs, and are herewith inclosed.

They seem very stringent, called forth, doubtless, by some emergency of which I have not the slightest intimation.

I have, &c.,

HORACE MAYNARD.

---

[Inclosure in No. 231.—Translation.]

*Circular—Police regulations.*

SUBLIME PORTE, March 3, 1878.

MR. MINISTER RESIDENT: I have the honor to transmit herewith several copies of two regulations in relation to the temporary measures taken by the police with regard to the passport system and to hotel and inn keepers and other lodging-house proprietors. I beg you will kindly take the necessary steps to insure the strict observance of these measures by your countrymen.

Accept, sir, the assurance of my distinguished consideration.

M. ASSIM.

MR. MAYNARD, *Minister Resident, &c., &c.*

*Provisional police regulations in regard to passports.*

ARTICLE 1. All persons who enter the Ottoman Empire must be furnished with a passport having a visé of an Ottoman embassy, legation, or consulate, under the pain of arrest and expulsion from the territory. In places remote from a legation or an Ottoman consular residence, persons wishing to visit the Ottoman Empire will provide themselves with a passport from the local authorities good for Turkey; but if on their journey they come to a place where there is a diplomatic or consular agent of the Sublime Porte, they must have their passports viséed by that agent. This regulation will be put in force one month after the communication of these measures.

ART. 2. All persons quitting Ottoman territory must be furnished with a passport from their own consulate (if they are leaving the capital), certified by the passport bureau and having the visé of the police authorities; if they are leaving the provinces they shall apply to the local authorities to have their passports viséed; all this under pain of being forbidden to depart.

ART. 3. All persons wishing to travel in the interior of the empire must be furnished with a permit from the bureau of passports, which will be delivered to them on the presentation of a certificate from their own authorities. This permit must be viséed by the police, and no foreigner will be allowed to go through Ottoman territory unless he is provided with a permit of this kind duly viséed by the police. Persons who do not identify themselves with the permit in question will be returned to the place from whence they came.

ART. 4. It is forbidden for agencies and captains of steamships or sailing-vessels to give passage-tickets to or to allow travelers to embark on their vessels for a foreign port unless said persons are furnished with a passport having the visé of the police. Agencies of railways or steamships and captains of steamships or sailing-vessels who shall break this rule will be held responsible for any damage or wrong which may result; they will be tried and, according to the importance of the case, a pecuniary penalty will be inflicted, and they shall suffer the full penalty of the law. This provision will be enforced one week after the communication of these regulations.

*Provincial police regulations relating to proprietors of hotels, innkeepers, and lodging-house keepers.*

ARTICLE 1. It is forbidden for any hotel proprietor, keeper of an inn or other lodging-house, to receive any person who is not provided with a regular passport or *teskeré*. This measure has reference only to persons coming from abroad who desire to sojourn in the country; persons domiciled in or natives of the country are naturally exempt from the obligation of exhibiting a passport or *teskeré* when they apply to any of the forenamed establishments.

ART. 2. Every proprietor of a hotel, keeper of an inn or other lodging-house shall keep a register, in which are to be inscribed the names, Christian names, the position, the profession, and the nationality of travelers upon their arrival; also the place from whence they come shall be indicated, and the probable length of their stay and the date of the last visé of their passports. They shall deliver every day to the police a copy of the names registered during the previous day. The heads of the said establishments shall inform the police of any crime or offense or disorder committed by travelers, and also of anything which shall require the intervention of the police.

ART. 3. The police agents shall have the right to visit at any time the said establishments, to examine the required registers, or to obtain information in regard to travelers. Beyond these special cases the police will act in accordance with the usual rules.

ART. 4. Any infraction of this regulation by proprietors of hotels, keepers of inns or other lodging-houses, will occasion, in the first instance, a warning; and on the repetition of the offense, this will be repeated peremptorily. The third offense will be punished by a prohibition of travelers from entering the hotel, and for this purpose a policeman will be stationed at the door of the establishment.

---

No. 510.

*Mr. Maynard to Mr. Evarts.*

No. 241.]

LEGATION OF THE UNITED STATES,  
Constantinople, April 3, 1878. (Received April 29.)

SIR: I had the honor, in my dispatch No. 229, of March 6, 1878, to report the signing of the preliminaries of peace by the plenipotentiaries

of Russia and Turkey at San Stefano on the 3d of that month. Giving the names of the respective plenipotentiaries in my dispatch No. 228, of February 28, 1878, I find omitted Mr. Nelidon, lately the first secretary of the Russian embassy near the Sublime Porte, who was associated with General Count Ignatiev on the part of Russia.

On the 10th of March, His Excellency Raouf Pasha left for St. Petersburg, in company with General Count Ignatiev, as special envoy on the part of Turkey for the exchange of ratifications. On the 17th the ratifications were exchanged at the Russian capital, and on the 24th he returned, bringing with him from captivity Osman Pasha, the defender of Plevna, and on the Turkish side, by general consent, the hero of the war. Each of these days was Sunday. Thus the preliminaries of peace were signed on Sunday, were ratified on Sunday, and the special envoy departed on and returned from his mission on Sunday. Whether this was a mere coincidence, or was designed as a significant observance of the Christian Sabbath, I am not informed.

To properly finish this interesting chapter of Turkish history and bring it to a fitting close, I have attempted with imperfect success to procure for transmission an authentic copy of the treaty itself. Application at the Porte disclosed the fact that the government has printed no copies even for office use, His Excellency Safvet Pasha himself, the minister of foreign affairs, and one of the plenipotentiaries who negotiated the treaty, using for reference a copy of a newspaper which had published it as current news. He, however, kindly placed at my service the original instrument, either to have it copied or collated with the newspaper impression. This has been done, and in this form a copy of the original French text is inclosed, which I believe to be accurate.

As neither of the two contracting nations uses the English language, there is, of course, no authorized translation in that language. I inclose a copy of one made for Her Britannic Majesty's Government, and undoubtedly correct.

Will this treaty, which is the end of one war, be also the beginning of another?

I am, &c.,

HORACE MAYNARD.

---

[Inclosure in No. 241.—Translation.]

*The treaty of peace.—Official text.*

[From the Daily Levant Herald of March 30, 1878.]

The official text of the treaty of San Stefano was published at St. Petersburg on March 21, under the heading of "Preliminaries of peace," and was telegraphed in full by the correspondent of the Times to that paper of the 22d of March, as follows:

ARTICLE 1. In order to put an end to the perpetual conflicts between Turkey and Montenegro, the frontier which separates the two countries will be rectified conformably to the map hereto annexed, subject to the condition hereafter mentioned, in the following manner: From the mountain of Dobrositz the frontier will follow the line indicated by the conference of Constantinople as far as Korito by Bilek, thence the new frontier will run to Gatzko (Metochia Gatzko will belong to Montenegro) and toward the confluence of the Piva and the Tara, ascending toward the north by the Drina as far as its confluence with the Fim. The eastern frontier of the principality will follow this last river as far as Prijepolje, and will proceed by Rostrag to Sukha Planina, leaving Bihor and Rostrag to Montenegro. Uniting Rugovo, Plova, and Gusiinje, the frontier line will follow the chain of mountains by Shlieb Paklen, and run with the northern frontier of Albania by the crests of the mountains Koprivnik, Babavr, Borvr, to the highest peak of Prokleti. From that point the frontier will proceed by the summit of Biskaschik and will run in a straight line to the lake of Tjiceni-Hoti, dividing Tjiceni-Hoti and Tjiceni-Kastrati. It will cross the Lake of Scutari to the

Boyana, the Thalweg of which it will follow as far as the sea. Niksich, Gatzko, Sponje, Podgoritzza, Zabliek, and Antivari will remain in Montenegro. A European commission, on which will be represented the Sublime Porte and the Government of Montenegro, will be charged with the duty of fixing the definitive limits of the principality, noting on the spot in the general map the modifications which it may think necessary and equitable, from the point of view of the respective interests and of the tranquillity of the two countries, to which it will award in this respect the equivalents deemed necessary. The navigation of the Boyana, having always given rise to disputes between the Sublime Porte and Montenegro, will be the subject of a special regulation, which will be prepared by the same European commission.

ART. 2. The Sublime Porte recognizes definitively the independence of the principality of Montenegro. An understanding between the Imperial Government of Russia, the Ottoman Government, and the principality of Montenegro will ulteriorly determine the character and form of the relations between the Sublime Porte and the principality as regards, particularly, the placing of Montenegrin agents at Constantinople and in certain localities of the Ottoman Empire, where the necessity for such agents will be recognized, the extradition of fugitive criminals on the one territory or the other, and the submission of Montenegrins traveling or sojourning in the Ottoman Empire to the Ottoman laws and authorities, according to the principles of international law and the established usages concerning the Montenegrins. A convention will be concluded between the Sublime Porte and Montenegro to regulate the questions connected with the relations between the inhabitants of the confines of the two countries and with the military works at the same confines. The points upon which an understanding cannot be established will be settled by the arbitration of Russia and Austria-Hungary. Henceforward, if there is any discussion or conflict, except as regards new territorial demands, Turkey and Montenegro will abandon the settlement of their differences to Russia and Austria-Hungary, who will be bound to evacuate the territory not comprised within the limits indicated above within ten days from the signature of the preliminaries of peace.

ART. 3. Servia is recognized as independent. Its frontier, indicated on the annexed map, will follow the Thalweg of the Drina, leaving Little Zvornik and Zakar to the principality, and running along the old limit as far as the sources of the stream Rezevo, near Stailac. Thence the new line will follow the course of that stream as far as the river Raska, and then the course of the latter as far as Novi-Bazar. From Novi-Bazar, ascending the stream which passes near the villages of Mehinje and Argovishe as far as its source, the line goes by Bosur-Planina, in the valley of the Ibar, and will then descend the stream which falls into this river near the village of Ribanic. The line will then follow the course of the rivers Ibar, Sitnitz, and Lab, and of the brook Batintze to its source (upon the Garapachnitsa Planina). Thence the frontier will follow the heights which separate the waters of the Kriva and the Veternitsza, and will meet the latter river by the shortest route at the mouth of the stream Miovatzka, which it will follow, crossing the Miovatzka Planina and redescending toward the Morava, near the village of Kalinance. Starting from this point, the frontier will descend the Morava as far as the stream Blossina, near the village of Straikovtzi. Reascending the latter stream as far as the Linberazda and the stream Konkavitze, the line will follow the Sukha Planina, will run along the stream Velylo as far as the Nisava, and will descend the said river as far as the village of Kronjsatz. Thence the line will proceed to rejoin by the shortest route the old Servian frontier to the south-east of Karaoul Bore, not leaving it until it reaches the Danube. Ada Kale will be evacuated and demolished. A Turko-Servian commission, assisted by a Russian commissary, will within three months arrange upon the spot the definite frontier line, and will definitely settle the questions relating to the islands of the Drina. A Bulgarian delegate will be admitted to participate in the work of the commission when it shall be engaged on the frontier between Servia and Bulgaria.

ART. 4. The Mussulmans holding lands in the territories annexed to Servia, and who do not wish to reside in the principality, can preserve their estates by letting them or by having them administered by others. A Turko-Servian commission, assisted by a Russian commissary, will be intrusted with the supreme settlement in the course of two years of all questions relating to the ascertainment of immovable properties in which Mussulmans have interest. The commission will also be called upon to settle within three years the method of transfer of state property or of religious endowments (vacant), as well as the questions relative to the interests of the private individuals who may be engaged there when a direct treaty is concluded between Turkey and Servia, determining the character of the relations between the Sublime Porte and the principality. Servian subjects traveling or sojourning in the Ottoman Empire shall be treated according to the general principles of international law. The Servian troops shall be bound to evacuate the territory not comprised within the above-mentioned limits within fifteen days from the signature of the preliminaries of peace.

ART. 5. The Sublime Porte recognizes the independence of Roumania, which will have a right to an indemnity, to be discussed between the two countries. On the con-



clusion of a direct treaty between Turkey and Roumania, Roumanian subjects will enjoy all the rights guaranteed to the subjects of other European powers.

ART. 6. Bulgaria is constituted an autonomous tributary principality, with a Christian government and a national militia. The definitive frontiers of the Bulgarian principality will be laid down by a special Russo-Turkish commission before the evacuation of Roumelia by the Imperial Russian army. This commission will take note in its labors of the modifications to be made on the spot in the general map; of the principle of the nationality of the majority of the inhabitants, conformably to the basis of the peace and also of the topographical necessities and practical interests of locomotion for the local populations. The extent of the Bulgarian principality is marked in general terms on the accompanying map, which will serve as a base for the definitive fixing of the limits. Leaving the new frontier of the Servian principality, the line will follow the western limit of the Caza of Vrania as far as the chain of the Karadagh. Turning toward the west, the line will follow the western limits of the Cazas of Koumanevo, Kotchani, Kalkandelen, to Mount Korab, thence by the river Velevehitza as far as its juncture with the Black Drina, turning toward the south by the Drina, and afterward by the western limit of the Caza of Ochride toward Mount Linas. The frontier will follow the western limits of the Cazas of Gortcha and Starovo as far as Mount Grammas, then by the lake of Kastria. The frontier line will re-join the river Moglenitza, and after having followed its course and passed to the south of Yanitza, Wardar, and Yenidjé, will go by the mouth of the Wardar and by the Galliko toward the villages of Parga and of Saraikuei; thence through the middle of Lake Bochikgnel to the mouth of the rivers Strouma and Karasson, and by the sea-coast as far as Burn Guel; then, going farther northwest, toward Mount Tchaltape by the chain of Rhodope as far as Mount Kronschovo, by the mountains Eschekkonlatchi, Tchipelion, Karakolas, and Tschiklar, and then as far as the river Arda, whence the line will be traced southward in the direction of Adrianople by the villages of Sngutlion, Kara-Hamza, Arnoutkeni, Akardii, and Enidjé, as far as the river Teikederessi. The line will follow the rivers Teikederessi and Tchorlounderesai as far as Loulebourgas, and thence by the river Soudjakdere to the village of Serguen. The frontier will go by the heights straight toward Hakim-Tabaïassi, where it will terminate on the Black Sea. It will leave the sea-shore near Mangalia, running along by the southern boundaries of the Sandjak of Toulcha, and will come out on the Danube above Rassova.

ART. 7. The Prince of Bulgaria shall be freely elected by the population, and confirmed by the Sublime Porte, with the assent of the powers. No member of the reigning dynasties of the great European powers shall be elected Prince of Bulgaria. In the event of the dignity of Prince of Bulgaria being vacant, the election of the new prince shall be held with the same conditions and forms. Before the election of the prince an assembly of Bulgarian notables, convoked at Philippopoli, Plovdiv, or Tirnova, shall draw up under the surveillance of an imperial Russian commissioner, and in the presence of an Ottoman commissioner, the organization of the future administration agreeably to the precedents established in 1830, after the peace of Adrianople. In the Danubian principalities, in the localities where the Bulgarians are mixed with the Turks, Greeks, Wallachians, Kautzovlochs, or others, account will be taken of the rights and interests of these populations in the elections and in the preparations of the organic by-laws. The introduction of the new *régime* in Bulgaria and the superintendence of its working will be intrusted for two years to an imperial Russian commissioner. At the expiration of the first year after the introduction of the new *régime*, and if an understanding on this subject has been established between Russia, the Sublime Porte, and the cabinets of Europe, they can, if it is deemed necessary, associate special delegates with the imperial Russian commissioner.

ART. 8. The Ottoman army will no longer remain in Bulgaria; and all the ancient fortresses will be demolished at the expense of the local government. The Sublime Porte will have the right to dispose, in its own way, of the war material and of the property belonging to the Ottoman Government which may be found in the Danubian fortresses already evacuated in accordance with the terms of the armistice of the 19th (31st) January, as well as that in the strongholds of Slumla and Varna.

Until the complete formation of a native militia that will be sufficient to preserve order, security, and tranquillity, and the strength of which will be fixed later on by an understanding between the Ottoman Government and the imperial Russian cabinet, Russian troops will occupy the country, and will lend effectual assistance to the commissaire in case of need. This occupation will be limited to a term approximating to two years. The strength of the Russian army of occupation, composed of six divisions of infantry and two of cavalry, which will remain in Bulgaria after the evacuation of Turkey by the imperial army, will not exceed 50,000 men. It will be maintained at the expense of the country occupied. The Russian army of occupation will preserve their communications with Russia, not only by Roumania, but also by the ports of the Black Sea, Varna and Bourgas, where they can organize for the term of the occupation the necessary depots.

ART. 9. The amount of the annual tribute which Bulgaria will pay the suzerain

court, by transmitting it to a bank to be named by the Sublime Porte, will be determined by an agreement between Russia, the Ottoman Government, and the other cabinets at the end of the first year of the *fonctionnement* of the new organization. This tribute will be based on the revenue derived from all territory which is to be separated from the principality. Bulgaria will take upon itself the obligations of the Ottoman Government toward the Rustchuk and Varna Railway Company, after a consultation between the Sublime Porte, the government of the principality, and the management of this company. The regulations as to the other railways (*voies ferrées*) which cross the principality are also to be decided by an agreement on the point between the Sublime Porte, the government established in Bulgaria, and the directors of the companies concerned.

ART. 10. The Sublime Porte will have the right to transport troops, ammunition, and provisions by fixed routes through Bulgaria to the provinces beyond the principality, and *vice versa*. In order to prevent difficulties and misunderstandings, while the military necessities of the Sublime Porte are guaranteed, a special regulation laying down the conditions under which the right may be exercised will be made within three months after the ratification of the present agreement by an *entente* between the Sublime Porte and the Bulgarian Government. It is well understood that this right is limited to the regular Ottoman troops, and that the irregulars, the bashi bazonks, and the Circassians will be absolutely excluded from it. The Sublime Porte also reserves to itself the right of sending its mails over the principality, and to establish telegraphic communication. These two points will also be determined in the manner and within the period of time indicated below.

ART. 11. The Mussulman property-owners or others who fix their personal residence outside the principality may retain their estates by causing them to be let to or administered by others. Turco-Bulgarian commissioners will sit in the principal centers of population, under the surveillance of Russian commissioners, to decide finally in the course of two years on all questions relative to the ascertainment of immovable property or Mussulman interests, where others are concerned. Similar commissions will be charged with the duty of regulating during the two years all matters concerning all questions as to the mode of alienation or use for the benefit of the Sublime Porte of the property of the state and the religious endowments (*vacouf*). At the expiration of the two years mentioned above the properties which shall not have been reclaimed will be sold by public auction, and the proceeds thereof will be devoted to the support of the widows and orphans, Mussulman as well as Christian, victims of the recent events.

ART. 12. All the Danubian fortresses will be demolished. There will be no strongholds in future on the banks of this river, nor men-of-war in the waters of the principalities of Roumania, Servia, and Bulgaria, except the usual guard-ships and the small vessels employed for police and custom-house purposes. The rights, obligations, and prerogatives of the international commission of the Lower Danube are maintained intact.

ART. 13. The Sublime Porte undertakes to re-establish the navigability of the passage of Sulina and indemnify the private individuals who have been put to loss by the war and the interruption of the navigation of the Danube. Five hundred thousand francs are to be taken for this purpose from what is due to it from the Danubian commission.

ART. 14. There will immediately be introduced into Bosnia and Herzegovina the European proposals of reform communicated to the Ottoman plenipotentiaries at the first sitting of the Constantinople conference, with the modifications to be agreed upon in common between the Sublime Porte, the government, and that of Austria-Hungary. The payment of arrears will not be demanded, and the current revenues of these provinces until the 1st of March, 1880, shall be exclusively applied to indemnify the families of refugees and inhabitants, victims of late events, without distinction of race or creed, as well as to the local needs of the country. The sum to be levied yearly after this period for the central government shall subsequently be fixed by a special understanding between Turkey, Russia, and Austria-Hungary.

ART. 15. The Sublime Porte engages to apply in the island of Crete the organic law of 1863, in consideration of the previously expressed wishes of the native population. Analogous reforms adapted to local needs will likewise be introduced into Epirus, Thessaly, and the other parts of Turkey in Europe for which a special constitution is not provided by the present deed. Special commissions, in which the native population will be largely represented, will in each province be intrusted with the task of elaborating the details of the new organization, and the result of their labors will be submitted to the Sublime Porte, who will consult the Imperial Government of Russia. [The telegram here is defective, the end of Art. 15 and beginning of Art. 16 being manifestly omitted.]

\* A comparison with the French text shows the following words should be added to Art. 15: "before putting them into execution."

ART. 16. Since the evacuation by the Russian troops of the territories which they occupy in Armenia, and which are to be restored to Turkey, might occasion conflicts and complications prejudicial to the friendly relations between the two countries, the Sublime Porte engages to realize without more delay the improvements and reforms demanded by local wants in the districts inhabited by the Armenians and to guarantee their security from Kurds and Circassians.

ART. 17. A full and complete amnesty is granted by the Sublime Porte to all Ottoman subjects compromised by late events, and all persons imprisoned on this account or sent into exile shall be immediately set at liberty.

ART. 18. The Sublime Porte will take into serious consideration the opinion expressed by the commissaries of the mediating powers as regards possession of the town of Kho-tour, and engages to carry into effect the work of the definitive delimitation of the Turco-Persian frontier.

ART. 19. The indemnity for the war and the losses imposed on Russia which His Majesty the Emperor of Russia claims, and which the Sublime Porte binds itself to reimburse to him, consists of (a) 900 million roubles for war expenses, for maintenance of the army, for replacing of *matériel*, and for goods bespoken; (b) of 400 million roubles in return for damage done to the south coast of Russia, to her export commerce, and to her railways; (c) of 100 million roubles for injuries inflicted on the Caucasus by the invasion; and (d) of 10 million roubles to recoup the detriment done the interests of Russian subjects and establishments in Turkey—making a total of 1,410 million roubles. Taking into consideration the financial embarrassment of Turkey, and in harmony with the wishes of His Majesty the Sultan, the Emperor of Russia consents to substitute payment of the greater part of the moneys above enumerated for the cession of the following territory: (a) The Sandjak of Tultcha—that is to say, the districts (*Cazas*) of Kilia, Sulina, Mahmoudié, Isaktcha, Tultcha, Matchin, Babadagh, Hirsova, Kustendjié, and Medjidjié, as well as the Delta Islands, and the Isles of Serpents. Not wishing, however, to annex this territory and the Delta Islands, Russia reserves the right of exchanging them for the part of Bessarabia detached from her by the treaty of 1856, and bounded on the south by the Thalweg of the Kilia branch and the mouth of the Stary Stamboul. The question of the apportionment of waters and fisheries to be determined by a Russo-Roumanian commission in the space of a year after the ratification of the treaty of peace. (b) Ardahan, Kars, Batoum, Bayazid, and the territory as far as the Soghanli. In its general outline the frontier line leaving the Black Sea coast will follow the ridge of the mountains which separate the affluents of the river Hopa from those of the river Tchouk, and the chain of mountains to the south of the town of Artvin up to the river Tchouk, near the villages of Alat and Bechaget. Then the frontier will pass by the peaks of Mounts Dervenikgheki, Hortehezor, and Bedjigün Dag, along the ridge which separates the affluents of the Tortumtchai and the Tchouk and by the heights near Yaily Vihine, coming down at the village of Vihine Kilissa to the river Tortumtchai; thence it will follow the Sivridagh Chain to the dofile of the same name, passing south of the village of Noriman; then it will turn to the south and go to Zevin, whence the frontier, passing west of the road which leads from Zevin to the villages of Ardost and Khorassan, will strike south by the Soghanli Chain to the village of Gilitchman; then by the ridge of the Charian Dag it will arrive ten versts south of Hamour, at the Mouradtehai defile; then the line will pass along the ridge of the Alladagh and the summits of the Hori and Tandouret, and, passing south of the Bayazid Valley, will proceed to rejoin the old Turco-Persian frontier south of the lake of Kazli. The definitive limits of the territory annexed to Russia, and indicated on the map hereto appended, will be fixed by a commission composed of Russian and Ottoman delegates. This commission in its labors will take into account the topography of localities, as well as considerations of good administration and other elements calculated to insure the tranquillity of the districts. (c) The territories mentioned in paragraphs a and b are ceded to Russia as an equivalent of the sum of one milliard and one hundred million roubles. As for the rest of the indemnity—namely, 300 millions of roubles, apart from the 10 millions of roubles intended to indemnify Russian interests and establishments in Turkey, the mode of payment and guarantee of the former sum will be settled by an understanding between the Imperial Government of Russia and that of His Majesty the Sultan. (d) The 10 million roubles claimed to indemnify the losses sustained by Russian subjects and establishments in Turkey will be paid on the claims of those interested being audited by the Russian embassy at Constantinople and handed to the Sublime Porte.

ART. 20. The Sublime Porte will take effective steps to put an amicable end to the lawsuits of Russian subjects pending for several years, indemnify the latter if need be, and carry into effect without delay all judgments passed.

[The same remark applies here as to articles 15 and 16.]\*

ART. 21. The inhabitants of the districts ceded to Russia who care to take up their residence out of these territories will be free to sell all their lands and effects and

\* Comparison with the French text shows that there has been no omission.

remove. For this purpose an interval of three years is granted them, counting from the date of ratification of the present deed, on the expiration of which time those of the inhabitants who shall not have sold their realty and left their homes will remain Russian subjects. Immovable property belonging to the state, or to religious houses situated out of the localities aforesaid, will be sold after the same interval of three years in the manner to be arranged by a special Russo-Turkish commission. The same commission will be intrusted with determining how the Ottoman Government is to remove its war material, munitions, supplies, and other state property existing in the forts, towns, and localities ceded to Russia, and not at present occupied by Russian troops.

ART. 22. Russian ecclesiastics, pilgrims, and monks traveling or sojourning in Turkey in Europe or in Asia will enjoy the same rights, advantages, and privileges as the resident ecclesiastics of any other nationality. The right of official protection is accorded to the imperial embassy and consulates in Turkey, no less with regard to the persons of those above mentioned than their property and establishments. Priests and others in holy places, and especially the monks of Mount Athos, of Russian origin, will remain in full possession of their previous advantages and continue to enjoy in the three convents belonging to them and the houses therewith connected the same rights and privileges as are assured to the other religious establishments and convents of Mount Athos.

ART. 23. All the treaties, conventions, and agreements previously concluded between the two high contracting parties relative to trade, and the legal *status* and position of Russian subjects in Turkey and which had fallen into abeyance by the outbreak of the war, shall be restored to validity; and saving the clauses therein affected by the present deed, the two governments will occupy the same relation to one another with respect to all their engagements and intercourse, commercial and otherwise, as they held before the declaration of war.

ART. 24. The Bosphorus and the Dardanelles will remain open in time of peace as well as of war to the merchant vessels of neutral states bound to or from Russian ports. The Sublime Porte consequently engages never henceforth to establish before the ports of the Black Sea and the Sea of Azof a blockade *factif*, which would be contrary to the spirit of the declaration signed at Paris on the 4th (16th) of April, 1856.

ART. 25. The evacuation by the Russian army of Turkey in Europe, with the exception of Bulgaria, will be complete in three months after the conclusion of the definitive peace between His Majesty the Emperor of Russia and His Majesty the Sultan. In order to save time and to avoid the cost of keeping the Russian troops longer in Turkey and Roumania, part of the imperial army may be marched down to the ports of the Black Sea and the Sea of Marmora, to be there shipped in vessels belonging to the Russian Government or freighted for the occasion. The evacuation of Turkey in Asia will be effected within the space of six months, dating from the conclusion of the definitive peace, and the Russian troops will be entitled to take ship at Trebizond to return by the Caucasus or the Crimea. The preparations for the departure of the troops will begin immediately after the exchange of ratifications.

ART. 26. As long as the imperial Russian troops remain in those localities which, according to the present deed, will be restored to the Sublime Porte, the ordering and administration of affairs will continue in the same state as has existed since the occupation. The Sublime Porte will not participate therein during all this time, and until the entire departure of all the troops the Ottoman forces will not enter the places to be afterwards restored to the Sublime Porte, and the latter cannot begin to exercise its authority there until notice of each fortress and province having been evacuated by the Russian troops shall have been given by the commander of these troops to the officer appointed for this purpose by the Sublime Porte.

ART. 27. The Sublime Porte undertakes not to punish, or allow to be punished, those Ottoman subjects who may have compromised themselves by their relations with the Russian army during the war. In the event of any persons wishing to withdraw with their families after the Russian troops, the Ottoman authorities will not oppose their departure.

ART. 28. Immediately after the ratification of the preliminaries of peace, the prisoners of war on each side will be given up under the auspices of commissioners appointed on both sides, who for this purpose will go to Odessa and Sebastopol. The Ottoman Government will pay all the expenses of the maintenance of the prisoners in 18 equal installments in the space of six years, in accordance with accounts that will be drawn up by the commissioners. The exchange of prisoners between the Ottoman Government and the Governments of Roumania, Servia, and Montenegro will be made on the same basis, there being in all cases a deduction in the account of the number of prisoners restored by the Ottoman Government from the number of prisoners that will have to be restored to that government.

ART. 29. The present deed will be ratified by their Imperial Majesties the Emperor of Russia and the Emperor of the Ottomans, and the ratifications will be exchanged in 15 days, or sooner if possible, at St. Petersburg, where they will agree likewise as

to the place and the time at which the stipulations of the present deed will be repeated with all the solemn forms customarily observed in treaties of peace. It is always well understood that the high contracting parties regard themselves as formally bound by the present *acte* from the moment of its ratification.

In witness whereof the respective plenipotentiaries have appended their signatures and seals to the present *acte*.

Done at San Stefano the 19th of February (3d of March), 1878.

---

No. 511.

*Mr. Maynard to Mr. Evarts.*

No. 246.]

LEGATION OF THE UNITED STATES,  
*Constantinople, April 29, 1878. (Received June 3.)*

SIR: Since the signing of the treaty of San Stefano, the 3d of March last (dispatch No. 229, of March 6, 1878), we have had no war, nor yet can we, in any proper sense of the term, be said to have had peace. The attitude of some of the other powers, of Great Britain and Austria especially, has been so equivocal, that an atmosphere of uncertainty has surrounded us and prevented a return of tranquillity. The Russian army to the number of some 90,000 remains in the neighborhood; and the Turks have been busy in collecting their scattered forces and in enlisting new recruits, until they claim to have nearly 150,000 men of all arms just around the city under constant drill, and commanded by Ghazi Osman Pasha, the chief pride of the Ottoman service. This alone would keep up a state of disquiet. For the last two months the city has been full of Russians, chiefly officers and men from the army, usually in full military costume. The Grand Duke Nicholas, in chief command, has come often to the city in the imperial yacht, the *Livadia*, and interchanged civilities with the Sultan and other Turkish officials. To-day he leaves for Russia, turning over the command to General Todleben. The dashing young Skobelev has been a good deal in the city, keeping up social intercourse with Americans and Englishmen and other nationalities. With the German embassy relations have been maintained which ordinarily would have a political significance. But it must be remembered that at the outbreak of the war Russian subjects in Turkey were placed under the protection of that embassy (dispatch No. 148, of April 28, 1877); that the ambassador, Prince Reuss, was for several years accredited to the court of St. Petersburg in the same exalted character, and that the Princess Reuss, his wife, is a near relative of the imperial family of Russia.

At one moment it seemed probable the relations between Turkey and Russia would amount to an alliance offensive and defensive. But I have reason to believe the Grand Duke ceases to have any such expectation, even if he ever entertained it. As the controversy between Great Britain and Russia takes shape, it becomes evident that Turkey, from political necessity, even if not from choice, will side with the former.

The change in Her Britannic Majesty's ministry of foreign affairs was hailed at first as an indication of peace, recollecting the attitude of the Marquis of Salisbury during the conference (dispatch No. 126, of January 30, 1877). His lordship's circular of the 1st instant, published here on the 9th, removed that impression effectually. It is hardly saying too much for that able state paper to declare that it for the first time presented the attitude of his government intelligently and respectably as the champion of public law and of the faith of treaties, and entitled to

a voice in settling the affairs of Turkey whether she wished it or not. The effect of this declaration has been unquestionably very great upon the relative influence of Great Britain and Russia in the East; that of the former has rapidly and constantly increased, while that of the latter seems even more rapidly to have waned. To the treaty of San Stefano it was a deadly thrust. Even the reply of Prince Gortschakoff, which came ten days later, equally able, with the added power proverbial to a soft answer, has not countervailed. The two instruments have the common merit of setting forth in a clear light the issue between the great rival powers touching the affairs of the Ottoman Empire. Their bearing upon current events here is so important that they form a part of Turkish history. As such I transmit them, although they have probably been communicated already by my colleagues at London and St. Petersburg.

The Turks are evidently preparing to take advantage of the turn of events. I understand they have not yet evacuated the strong posts of Batoum, Varna, and Shumla, included in the cessions by article 19 of the treaty of San Stefano, and are negotiating for the immediate release of their prisoners held by Russia, in numbers sufficient of themselves to form a considerable army.

Russia has not re-established her embassy near the Sublime Porte, giving an apparent advantage to Great Britain, whose diplomatic representative has remained here, and has been vigilant and energetic.

Meanwhile great uneasiness and anxiety prevail in the public mind.

I have, &c.,

HORACE MAYNARD.

---

[Inclosure 1 in No. 246.]

*The Marquis of Salisbury's circular.*

[From the Daily Levant Herald of April 9, 1878.]

The following circular dispatch, addressed by the Marquis of Salisbury to Her Majesty's embassies, was issued from the foreign office on the 1st instant:

FOREIGN OFFICE, April 1, 1878.

MY LORD (SIR): I have received the Queen's commands to request your excellency to explain to the government to which you are accredited the course which Her Majesty's Government have thought it their duty to pursue in reference to the preliminaries of peace concluded between the Ottoman and Russian Governments, and to the European Congress which it has been proposed to hold for the examination of that treaty.

On the 14th of January, in view of the reports which had reached Her Majesty's Government as to the negotiations for peace which were about to be opened between the Russian Government and the Porte, and in order to avoid any possible misconception, Her Majesty's Government instructed Lord A. Loftus to state to Prince Gortschakoff that, in the opinion of Her Majesty's Government, any treaty concluded between the Government of Russia and the Porte affecting the treaties of 1856 and 1871, must be an European treaty, and would not be valid without the assent of the powers who were parties to those treaties.

On the 25th of January, the Russian Government replied by the assurance that they did not intend to settle by themselves ("isolément") European questions having reference to the peace which is to be made ("se rattachant à la paix").

Her Majesty's Government, having learned that the bases of peace had been arranged between the Turkish and Russian delegates at Kezanlik, instructed Lord A. Loftus, on the 29th of January, to state to the Russian Government that Her Majesty's Government while recognizing any arrangements made by the Russian and Turkish delegates at Kezanlik for the conclusion of an armistice and for the settlement of bases of peace as binding between the two belligerents, declared that in so far as these arrangements were calculated to modify European treaties and to affect general and British interests, Her Majesty's Government were unable to recognize in them any validity unless they were made the subject of a formal agreement among the parties to the treaty of Paris.

On the 30th of January, Lord A. Loftus communicated this declaration to Prince Gortschakoff, and His Highness replied, that to effect an armistice certain bases of peace were necessary, but they were only to be considered as preliminaries and not definitive as regarded Europe; and stated categorically that questions bearing on European interests could be concerted with European powers, and that he had given Her Majesty's Government clear and positive assurances to this effect.

On the 4th of February, the Austrian ambassador communicated a telegram inviting Her Majesty's Government to a conference at Vienna, and Her Majesty's Government at once accepted the proposals.

On the 5th of February, his excellency addressed a formal invitation to Lord Derby, stating that:

"L'Autriche-Hongrie, en sa qualité de puissance signataire des actes internationaux qui ont eu pour objet de régler le système politique en Orient, a toujours réservé, en présence de la guerre actuelle, sa part d'influence sur le règlement définitif des conditions de la paix future.

"Le gouvernement impérial de la Russie, auquel nous avons fait part de ce point de vue, l'a pleinement apprécié.

"Aujourd'hui que des préliminaires de paix viennent d'être signés entre la Russie et la Turquie le moment nous semble venu d'établir l'accord de l'Europe sur les modifications qu'il deviendrait nécessaire d'apporter aux traités susmentionnés.

"Le mode le plus apte à amener cette entente nous paraît être la réunion d'une conférence des puissances signataires du traité de Paris de 1856, et du protocole de Londres de 1871."

On the 9th instant, the Austrian Government proposed that instead of the conference at Baden-Baden, as previously contemplated, a congress should be assembled at Berlin. Her Majesty's Government replied that they had no objection to this change, but that they considered "that it would be desirable to have it understood, in the first place, that all questions dealt with in the treaty of peace between Russia and Turkey should be considered as subject to be discussed in the congress, and that no alteration in the condition of things previously established by treaty should be acknowledged as valid until it has received the assent of the powers."

On the 12th of March, Count Beust was told that Her Majesty's Government must be perfectly clear on the points mentioned in the letter to him of the 9th instant, before they could definitively agree to go into congress.

On the 13th, Her Majesty's Government explained further the first condition:

"That they must distinctly understand, before they can enter into congress, that every article in the treaty between Russia and Turkey will be placed before the congress, not necessarily for acceptance, but in order that it may be considered what articles require acceptance or concurrence by the several powers, and what do not."

On the 14th, the Russian ambassador communicated the following telegram from Prince Gortschakoff:

"Toutes les grandes puissances savent déjà que le texte complet du traité préliminaire de paix avec la Porte leur sera communiqué dès que les ratifications auront été échangées, ce qui ne saurait tarder. Il sera simultanément publié ici. Nous n'avons rien à cacher."

On the 17th, Lord A. Loftus reported that he had received the following memorandum from Prince Gortschakoff:

"In reply to communication made by Lord A. Loftus of the dispatch by which Lord Derby has replied to the proposal of Count Beust relating to the meeting of the congress at Berlin, I have the honor to repeat the assurance which Count Schouvaloff has been already charged to give to Her Majesty's Government, viz, that the preliminary treaty of peace, concluded between Russia and Turkey, shall be textually communicated to the great powers before the meeting of the congress, and that in the congress itself each power will have the full liberty of its appreciations and of its action."

In a dispatch received on the 18th, Lord A. Loftus stated that Prince Gortschakoff had said to him that of course he could not impose silence on any member of the congress, but he could only accept a discussion on those portions of the treaty which affected European interests.

Lord Derby having asked Count Schouvaloff for a reply from Prince Gortschakoff, his excellency informed him on the 19th that he was "charged to represent to Her Majesty's Government that the treaty of peace concluded between Russia and Turkey, the only one which existed, for there was no secret engagement, would be communicated to the Government of the Queen in its entirety, and long before ("bien avant") the assembling of the congress. The Government of the Queen, in like manner as the other great powers, reserved to themselves at the congress their full liberty of appreciation and action. This same liberty, which she did not dispute to others, Russia claimed for herself. Now, it would be to restrict her, if, alone among all the powers, Russia contracted a preliminary engagement."

On the 21st, Lord Derby replied that Her Majesty's Government could not recede

from the position already clearly defined by them; that they must distinctly understand, before they could enter into congress, that every article in the treaty between Russia and Turkey would be placed before the congress, not necessarily for acceptance, but in order that it might be considered what articles required acceptance or concurrence by the other powers and what did not.

Her Majesty's Government were unable to accept the view now put forward by Prince Gortschakoff that the freedom of opinion and action in congress of Russia, more than of any other power, would be restricted by this preliminary understanding.

Her Majesty's Government therefore desired to ask whether the Government of Russia were willing that the communication of the treaty *en entier* to the various powers should be treated as a placing of the treaty before the congress, in order that the whole treaty, in its relation to existing treaties, might be examined and considered by the congress.

On the 26th, Count Schouvaloff wrote to Lord Derby that the imperial cabinet deemed it its duty to adhere to the declaration which he was ordered to make to the Government of the Queen, and which was stated in the letter which he had the honor to address to him dated the 19th of March.

As different interpretations had been given to the "liberty of appreciation and action" which Russia thought it right to reserve to herself at the congress, the imperial cabinet defined the meaning of the term in the following manner:

"It leaves to the other powers the liberty of raising such questions at the congress as they might think it fit to discuss, and reserves to itself the liberty of accepting or not accepting the discussion of these questions."

Her Majesty's Government deeply regret the decision which the Russian Government have thus announced.

How far the stipulations of the treaty of San Stefano would commend themselves as expedient to the judgment of the European powers, it is not at present possible to decide. But even if a considerable portion of them were such as were likely to be approved, the reservation of a right, at discretion, to refuse to accept a discussion of them in a congress of the powers would not on that account be the less open to the most serious objection. An inspection of the treaty will sufficiently show that Her Majesty's Government could not, in a European congress, accept any partial or fragmentary examination of its provisions. Every material stipulation which it contains involves a departure from the treaty of 1856.

By the declaration annexed to the first protocol of the conference held in London in 1871, the plenipotentiaries of the great powers, including Russia, recognized "that it is an essential principle of the law of nations that no power can liberate itself from the engagements of a treaty, nor modify the stipulations thereof, unless with the consent of the contracting powers by means of an amicable arrangement."

It is impossible for Her Majesty's Government, without violating the spirit of this declaration, to acquiesce in the withdrawal from the cognizance of the powers of articles in the new treaty which are modifications of existing treaty engagements, and inconsistent with them.

The general nature of the treaty and the combined effect of its several stipulations upon the interests of the signatory powers furnish another and a conclusive reason against the separate discussion of any one portion of those stipulations apart from the rest.

The most important consequences to which the treaty practically leads are those which result from its action, as a whole, upon the nations of Southeastern Europe. By the articles erecting the new Bulgaria, a strong Slav state will be created under the auspices and control of Russia, possessing important harbors upon the shores of the Black Sea and the Archipelago, and conferring upon that power a preponderating influence over both political and commercial relations in those seas. It will be so constituted as to merge in the dominant Slav majority a considerable mass of population which is Greek in race and sympathy, and which views with alarm the prospect of absorption in a community alien to it not only in nationality, but in political tendency and in religious allegiance. The provisions by which this new state is to be subjected to a ruler whom Russia will practically choose, its administration framed by a Russian commissary, and the first working of its institutions commenced under the control of a Russian army, sufficiently indicate the political system of which in future it is to form a part.

Stipulations are added which will extend this influence even beyond the boundaries of the new Bulgaria. The provision, in itself highly commendable, of improved institutions for the populations of Thessaly and Epirus, is accompanied by a condition that the law by which they are to be secured shall be framed under the supervision of the Russian Government. It is followed by engagements for the protection of members of the Russian Church, which are certainly not more limited in their scope than those articles of the treaty of Kainardji upon which the claims were founded which were abrogated in 1856. Such stipulations cannot be viewed with satisfaction either by the Government of Greece or by the powers to whom all parts of the Ottoman Empire are



a matter of common interest. The general effect of this portion of the treaty will be to increase the power of the Russian Empire in the countries and on the shores where a Greek population dominates, not only to the prejudice of that nation, but also of every country having interests on the coasts of the Mediterranean Sea.

The territorial severance from Constantinople of the Greek, Albanian, and Slavonic provinces which are still left under the Government of the Porte, will cause their administration to be attended with constant difficulty, and even embarrassment; and will not only deprive the Porte of the political strength which might have arisen from their possession, but will expose the inhabitants to a serious risk of anarchy.

By the other portions of the treaty analogous results are arrived at upon other frontiers of the Ottoman Empire. The compulsory alienation of Bessarabia from Roumania, the extension of Bulgaria to the shores of the Black Sea, which are principally inhabited by Mussulmans and Greeks, and the acquisition of the important harbor of Batoum, will make the will of the Russian Government dominant over all the vicinity of the Black Sea. The acquisition of the strongholds of Armenia will place the population of that province under the immediate influence of the power which holds them; while the extensive European trade which now passes from Trebizond to Persia will, in consequence of the cessions in Kurdistan, be liable to be arrested at the pleasure of the Russian Government by the prohibitory barriers of their commercial system.

Provision is made for an indemnity, of which the amount is obviously beyond the means of Turkey to discharge, even if the fact be left out of account that any surplus of its revenues is already hypothecated to other creditors. The mode of payment of this indemnity is left, in vague language, to ulterior negotiations between Russia and the Porte. Payment may be demanded immediately, or it may be left as an unredeemed and unredeemable obligation to weigh down the independence of the Porte for many years. Its discharge may be commuted into a yet larger cession of territory, or it may take the form of special engagements subordinating in all things the policy of Turkey to that of Russia. It is impossible not to recognize in this provision an instrument of formidable efficiency for the coercion of the Ottoman Government, if the necessity for employing it should arise.

Objections may be urged individually against these various stipulations; and arguments, on the other hand, may possibly be advanced to show that they are not individually inconsistent with the attainment of the lasting peace and stability which it is the highest object of all present negotiations to establish in the provinces of European and Asiatic Turkey. But their separate and individual operation, whether defensive or not, is not that which should engage the most earnest attention of the signatory powers. Their combined effect, in addition to the results upon the Greek population and upon the balance of maritime power which have been already pointed out, is to depress, almost to the point of entire subjection, the political independence of the Government of Constantinople. The formal jurisdiction of that government extends over geographical positions which must, under all circumstances, be of the deepest interest to Great Britain. It is in the power of the Ottoman Government to close or to open the straits which form the natural highway of nations between the *Ægean* Sea and the *Euxine*. Its dominion is recognized at the head of the Persian Gulf, on the shores of the Levant, and in the immediate neighborhood of the Suez Canal. It cannot be otherwise than a matter of extreme solicitude to this country that the government to which this jurisdiction belongs should be so closely pressed by the political outposts of a greatly superior power that its independent action, and even existence, is almost impossible. These results arise not so much from the language of any single article in the treaty as from the operation of the instrument as a whole. A discussion limited to articles selected by one power in the Congress would be an illusory remedy for the dangers to English interests and to the permanent peace of Europe, which would result from the state of things which the treaty proposes to establish.

The object of Her Majesty's Government at the Constantinople conference was to give effect to the policy of reforming Turkey under the Ottoman Government, removing well-grounded grievances, and thus preserving the empire until the time when it might be able to dispense with protective guarantees. It was obvious that this could only be brought about by rendering the different populations so far contented with their position as to inspire them with a spirit of patriotism, and make them ready to defend the Ottoman Empire as loyal subjects of the Sultan.

The policy was frustrated by the unfortunate resistance of the Ottoman Government itself, and, under the altered circumstances of the present time, the same result cannot be attained to the same extent by the same means. Large changes may, and no doubt will, be requisite in the treaties by which Southeastern Europe has hitherto been ruled. But good government, assured peace, and freedom, for populations to whom those blessings have been strange, are still the objects which this country earnestly desires to secure.

In requiring a full consideration of the general interests which the new arrangements threaten to affect, Her Majesty's Government believe that they are taking the surest means of securing those objects. They would willingly have entered a Congress in

which the stipulations in question could have been examined as a whole, in their relation to existing treaties, to the acknowledged rights of Great Britain and of other powers, and to the beneficent ends which the united action of Europe has always been directed to secure. But neither the interests which Her Majesty's Government are specially bound to guard nor the well-being of the regions with which the treaty deals would be consulted by the assembling of a Congress whose deliberations were to be restricted by such reservations as those which have been laid down by Prince Gortschakoff in his most recent communication.

Your excellency will read this dispatch to the minister of foreign affairs, and give him a copy of it.

I am, &c.,

SALISBURY.

[Inclosure 2 in No. 246.—Translation.]

[From the Daily Levant Herald of April 20, 1878.]

*The Russian reply to England.*

The St. Petersburg official journals of the 11th instant publish Prince Gortschakoff's circular in answer to that of Lord Salisbury and a long annexed *pro memoria*. The circular is as follows:

CIRCULAR OF THE CHANCELLOR OF THE EMPIRE TO THE AMBASSADORS OF RUSSIA  
AT BERLIN, PARIS, LONDON, VIENNA, AND ROME.

ST. PETERSBURG, March 28 (April 9), 1878.

LORD A. LOFTUS has communicated to me the circular addressed by the Marquis of Salisbury to the great powers, under date April 1. It has been subjected to a careful examination, and we duly recognize the frankness with which it sets forth the views of the Government of Her Britannic Majesty on the preliminary treaty of peace of San Stefano. We therein find presented in long detail the objections of the English cabinet, but we look in vain for any proposals it might be disposed to suggest toward a practical solution of the present crisis in the East. The Marquis of Salisbury tells us what the English Government does not wish, but tells us nothing as to what it does wish. We think it would be serviceable if his lordship would be good enough to make this latter point known in order to promote an understanding of the situation. As regards the declaration of the views of the Government of Her Britannic Majesty on the subject of the congress, I can only recall the course which on their side the imperial cabinet have followed in this question. It has officially communicated to the great powers the text of the preliminary treaty of San Stefano with an explanatory map. We added that at the congress, if it were to meet, each of the powers there represented would have full liberty of appreciation and action. In claiming the same right for Russia we can only reiterate the same declaration. Be pleased to communicate the present dispatch, with its annex, to the government to which you are accredited.

The annex to the circular is entitled "Pro Memoria," and is as follows:

1. It is not accurate to say that the treaty of San Stefano has created a new Bulgaria or a very strong Slav State under the control of Russia. Bulgaria existed, though in a state of oppression. Europe perceived this, and was desirous of providing a remedy. The Constantinople conference indicated the measures deemed necessary to attain this end. In suggesting these measures the plenipotentiaries assembled in the Constantinople conference certainly did not think of rendering them inefficacious. It should be admitted that they contemplated the endowment of Bulgaria with a national existence and a real administrative autonomy. In such case the Bulgarian State, though divided in two provinces, would have been constituted in germ, and this germ, developing itself under the *ægis* of Europe, would have achieved the result which the treaty of San Stefano is designed to bring to maturity. The refusal made by the Porte, and the war by which it was followed, did not permit, in the avowal of the Marquis of Salisbury himself, of a return pure and simple to the programme of the conference of Constantinople. The treaty of San Stefano only makes it obligatory on the Porte to consent to a programme of reforms more complete, more *précis*, and more practical; but even the fact that the treaty of San Stefano is a preliminary one indicates that in the mind of the imperial cabinet it is only a matter of principle, without prejudging definitely the application, which requires technical studies, an exact appreciation of geographical necessities, and the conciliation of numerous interests. It is

because of this that many articles are expressed in vague terms, so as to leave room for ulterior understandings as to the modifications deemed indispensable.

2. The treaty of San Stefano has not placed the new state under the control of Russia. The imperial cabinet has done only what it accomplished in 1830 for Moldo-Wallachia. Experience has demonstrated that the work of that period in these principalities was useful by contributing to the prosperity of these provinces. It was not perceived that the result would be such a preponderance of the influence of Russia as to disturb the European equilibrium. It may be added that if Moldo-Wallachia, which owes its existence to and borders upon Russia, has been able to make itself independent of her, with yet stronger reason should one count on the same result for Bulgaria, the territory of which would be separated from Russia in the foreseen event of a cession of the Dobrudja to Roumania.

3. The *maximum* term of two years has been assigned to the provisional occupation of Bulgaria because this lapse of time has been thought necessary to maintain order and peace, to protect the Christian and Mussulman populations against reciprocal reprisals, to reorganize the country, and to introduce national institutions, the native militia, &c.; and also because, if the occupation had been indefinite, the fact might have been regarded as a step towards a *princ de possession*, which the imperial cabinet has never contemplated. But it is unnecessary to say that, this term being approximate, the imperial cabinet is quite ready to shorten it as much as possible without endangering the success of the difficult work which it is proposed to carry out in the interests of general peace.

4. The delimitation of Bulgaria has been indicated only in general terms. The sole principle which has been laid down is that of the majority of the population, and certainly anything more equitable and rational can hardly be imagined. It meets the objections suggested by the difference of the races, of the minority, whose interests, moreover, have been guarded by express stipulations. But the application of this principle has been reserved for a mixed commission, whose local investigations can alone dissipate the doubt and uncertainty which still exist in respect of these vexed questions. The preliminary delimitation is opposed on the ground that it assigns to Bulgaria some ports on the Black Sea, but the Constantinople conference itself decided that unless these countries debouched on the sea they could not prosper. With regard to the ports of the Aegean Sea, the commercial development of Bulgaria has alone been in view. Certainly, Russia will not profit by this development so much as England and the powers whose Mediterranean commerce—much more active than that of Russia—has always been a powerful lever for the maintenance of their political influence.

5. The preliminary treaty in no way places Bulgaria under the domination of a chief chosen by Russia. It is formally stipulated that the governor shall be elected by native administrative councils, with the confirmation of the Porte and the assent of Europe, and that members of the reigning dynasties shall not be eligible for the office. It is not seen what better guarantees could be given of the liberty of elections. As to the organization of the principality, that is left to an assembly of native notables. The Russian imperial commissary has only a right of *surveillance* to exercise in concert with an Ottoman commissary. Moreover, an understanding between the great powers and the Porte is expressly reserved, in order that the Russian imperial commissary may be associated with special delegates. Meanwhile, the provisional measures taken by the Russian authorities for the administration of the country are far from being framed with the view, as has been affirmed, of making Bulgaria a part of the Russian political system. Almost no change has been made in institutions to which the country was accustomed. Care has only been taken with the execution, which was defective. The slight alterations which have been effected are the abolition of the *redemption* for redemption from the military service, the abolition of the tithes and their replacement by a more normal impost, the abolition of the rent of the imposts, which was the source of the principal abuses, and the right attributed to the Christian inhabitants in mixed localities to refuse at election time those Mussulmans who had distinguished themselves by acts of persecution towards the Christian population. The state of siege to which the country was reduced during the war rendering the nomination of Russian governors indispensable, Bulgarians have in all quarters been appointed vice-governors, in order that after the peace, according to the rapidity with which tranquillity is restored in the country, these vice-governors might be able to replace the Russian governors without causing any interruption to the administration of the country. The exclusive object of all these provisional measures has been to protect the national development and to render possible the reunion of the first Bulgarian assembly called to regulate the institutions of the principality.

6. The assertion that the treaty of San Stefano has extended the influence of Russia beyond the limits of Bulgaria, while stipulating for ameliorated institutions for Epirus and Thessaly, affords room for surprise. If Russia had stipulated for nothing in favor of those provinces, she would have been accused of sacrificing the Greeks to the Slavs; if she had sought to obtain for them the vassal autonomy which is condemned in Bulgaria, she would have been accused of entirely destroying the Ottoman

Empire and implanting Russian influence in its place. The imperial cabinet has always understood the mission which, in a Christian sense, history assigns to her in the East, without distinction of race or of creed. If she has stipulated for conditions more complete and more precise in favor of Bulgaria, it is because that country had been the principal cause and theater of the war, and that Russia had acquired positive belligerent rights. But in limiting itself to stipulating for ameliorated institutions for the Greek provinces it reserved to the great powers an extensive right of protest. It is equally inaccurate that the treaty of San Stefano stipulated that these institutions should be placed under the direction of Russia. The general type to which they have been assimilated by the treaty is that of the Cretan regulation, which has been *octroyé* by the Porte under the influence of the great powers. The treaty stipulates that the application should be made by a special commission, or that the native element should be largely represented. It obliges the Porte, it is true, to consult Russia before putting it in execution, but does not interdict the Porte from equally consulting the representatives of the friendly powers.

7. The subsequent clause, concerning the protection of the members of the Russian Church, must have been ill understood to be compared to that of the treaty of Kainardji, abolished in 1856. The clause of Kainardji concerned the Greek Orthodox body, and could embrace all the Christian subjects of the Sultan who professed the rite. The treaty of San Stefano mentions exclusively monks, ecclesiastics, and pilgrims who are Russian or of Russian origin, and stipulates for them only the rights, advantages, and privileges belonging to the ecclesiastics of other nationalities. From all this it is impossible to regard as just the assertion that the *ensemble* of these stipulations of San Stefano is of such a nature as to extend the power of the Russian Empire in countries where the Greek population predominates, to the prejudice of this nation and to all countries having interests in the East and in the Mediterranean.

8. One may equally find exaggerations in the affirmation that the *ensemble* of the stipulations of San Stefano as to the retrocession of Roumanian Bessarabia, the extension of Bulgaria up to the Black Sea, and the acquisition of the port of Batoum render the will of Russia predominant in the whole neighborhood of the Black Sea. Russia has powerfully contributed in the past to emancipate Greece and Roumania, but has not reaped so much benefit from it as have the other powers. The retrocession of Roumanian Bessarabia would be only a return of an order of things modified twenty-two years ago for reasons which have no longer a *raison d'être*, nor legal title, nor even pretext, since that the liberty of the navigation of the Danube has been placed under the control and guarantee of a *commission internationale*, and especially at the moment when Roumania proclaimed her independence and when Europe seemed disposed to recognize it. It must be added that this retrocession does not include all the part of Bessarabia ceded in 1856. The delta of the Danube is excluded from it, and the project of the Russian Government is to give it to Roumania, from which it had been taken in 1857. This circumstance reduces considerably the importance of the desired retrocession from the point of view of influence over the navigation of the mouths of the Danube.

9. Batoum is the only good port in this district available for the commerce and the security of Russia drawn from a war which she has waged single-handed and which has cost her so much. It is not then by any means a gratuitous cession, it is far from being the equivalent of the pecuniary indemnity which it would represent.

10. As to the acquisitions in Armenia, they only possess a defensive value. It is possible that England would rather see these strong positions in the hands of the Turks, but from the same motives Russia sets a value upon the possession of them for her own security, so as not to have to lay siege to them in each war, as in the case of the fortress of Kars, which she has been obliged to take three times within half a century. Territorial cessions are a natural consequence of war. If England had wished to spare them to Turkey, she had only to ally herself with Russia, as was proposed to her on two occasions, first, by the Berlin Memorandum and then by the mission of Count Elston Soumarokoff to Vienna, in order to put a united maritime pressure on the Porte, which would probably have sufficed to obtain the ends acquired to-day at the price of so much bloodshed. The English Government, having refused this, has now no ground for denying to Russia, who has shed her blood, the right of promoting the creation of a state of things which relieves her henceforward from such sacrifices or renders them less onerous. But what is impossible to understand are the consequences to the freedom of the European commerce of Trebizond, via Persia, which are drawn from these rectifications of frontier. These assertions are in contradiction to those uttered on more than one occasion by several members of the British Cabinet, according to whom the taking possession of Erzeroum and of Trebizond by Russia would not constitute a danger to British interests. The rectifications of frontier in Asia, stipulated by the treaty of San Stefano, are very far from touching this extension. It is carrying distrust to an extreme to affirm that they place Russia in the position of impeding by prohibitive obstacles the European commercial system.

11. The objections taken to the treaty of San Stefano in regard to the indemnity claimed from Turkey are surely not better established. The amount of this indemnity

is out of all proportion with the overwhelming charges which the war has entailed upon Russia. It may be that they exceed the actual resources of Turkey and increase her difficulty in satisfying the claims of her creditors. But it is to be noted that Turkey failed in her obligations towards her creditors long before the war, by reason of the disorder caused by her maladministration. There is reason to believe that if peace is established upon the rational bases which the treaty of San Stefano has in view, and to which the European sanction would give a solid and lasting character, it would result, as far as Turkey herself is concerned, in a diminution of her expenses, and an augmentation of her resources, which would enable her to respond to the exigencies of her foreign credit. It is in view of these possible results that the stipulations of San Stefano which relate to the indemnity have been maintained in the undefined state which has been made the subject of reproach. If the amount of the indemnity is criticised as being too high, the unreasonableness of an immediate payment has been criticised for a much stronger reason. If the precise manner of payment had been stipulated, it would have been necessary to encroach upon a region already mortgaged to the foreign creditors of the Porte. It is that which the treaty of San Stefano has sought to avoid, reserving the question for a future hearing. It is true that by this precaution Russia exposes herself to the suspicion of seeking to paralyze or to dominate over Turkey for several years, or of meditating new territorial acquisitions as a substitute for the indemnity. It would have been easier to have seen in this a design to care for Turkey as well as for the interests of Europe, and to maintain the Turkish Government in the fulfillment of its engagements and of pacific relationships which would be profitable to all. But against mistrust there is no remedy.

12. From the conclusion of the Marquis of Salisbury's dispatch it is gathered that the end and ardent desire of Her Majesty's Government are always to insure good government, peace, and liberty to the populations to whom these benefits have been strange. With equal satisfaction has the frank avowal been noted that this policy has been frustrated by the unhappy resistance of the Ottoman Government; that in face of the modified circumstances of the present time the same result cannot be obtained in the same direction by the same means—that is to say, the programme of the conference of Constantinople—and that great changes may and without doubt will be necessary in the treaties by which the southeast of Europe has up to the present time been governed. If to these considerations be added the fact that the reiterated refusal of the English Government to join in exercising collective material pressure on the Porte has prevented Europe from obtaining pacifically the results desired by the Cabinet of London itself, it will be recognized that the war and the peace of San Stefano have answered to the exigencies of the situation which the Marquis of Salisbury has set forth with such great frankness and in such a high spirit. This situation resolves itself into this: The existing treaties have been successively infringed for 22 years—first by the Turkish Government, which has not fulfilled its obligations toward the Christians; then by the united principalities, by the French occupation of Syria, and by the conference of Constantinople itself, constituting an interference in the interior affairs of the Ottoman Empire.

13. The Marquis of Salisbury himself recognizes that great changes must and ought to be made. In the present circumstances, it remains for us to learn how his lordship means to reconcile practically these treaties and the recognized rights of Great Britain and other powers with the benevolent wishes towards a realization of which the united action of Europe has always been directed for a good government, peace, and assured liberty to the populations to whom these benefits have been strange. It remains also to be learned how beyond the preliminary bases laid down by the treaty of San Stefano, his lordship means to reach the desired goal while bearing in mind the rights acquired by Russia, for the sacrifices which she has borne, and borne alone, in order to render the realization possible. The dispatch of the Marquis of Salisbury contains no response to these questions. For these reasons it appears that the considerations which it contains would have been more effective if accompanied by practical proposals of a nature to assure an understanding in the solution of present difficulties in the general interest of a solid and lasting pacification in the East.

---

No. 512.

*Mr. Maynard to Mr. Evarts.*

No. 247.]

LEGATION OF THE UNITED STATES,  
Constantinople, May 9, 1878. (Received June 8.)

SIR: I have just returned from a short excursion on the United States steamer Despatch into the Archipelago, visiting in succession Salonica

and Mytilene. I invited to accompany me the Rev. Dr. Long, professor of natural science in Robert College, and, in the absence of the Rev. Dr. Washburn in America, the acting director, and Lieut. F. V. Greene, United States Army, military attaché to the United States legation at St. Petersburg, and at present with the Russian army near this capital. As we were about to leave, Mr. J. Henry Fawcett, Her Britannic Majesty's consul-general and supreme judge, requested to be taken as far as Salonica, where he would meet a British ship and proceed to Volo for an investigation into the death of Mr. Ogle, a correspondent of the London Times, who was killed in that neighborhood a few weeks ago under circumstances to excite profound interest. His request was cheerfully granted.

I had been unable to go to Salonica, as I desired to do, since the massacre of the French and German consuls two years ago, in which the American consular agent was so seriously, and, I am persuaded, so unjustly implicated. (Dispatches No. 66 of May 12, 1876, and No. 71 of June 13, 1876.) I examined the locality of the tragedy and inquired into some particulars for my own better satisfaction, and was further confirmed in my previous impressions. You will recollect the subject was revived last summer to the prejudice of Mr. Lazzaro (dispatch No. 180 of August 30, 1877). He has been absent by leave a good deal of the time since that date, but returned about a month ago. Meanwhile the governor of Salonica, has been changed, and the animosity against him appears to have subsided. While an unworthy official should not be protected, it is quite as important that none should suffer from intrigue and covinous practices.

On the way from Salonica to Mytilene we touched at Mount Athos, from the tenth century a vast monastery of the Eastern Church. It is a promontory about 40 miles long and from 3 to 5 miles wide, connected with the mainland by an isthmus about a mile in width, across which are the remains of a canal excavated by Xerxes. The extremity, which rises to the height of 6,350 feet, is a conspicuous object, and can be seen many miles in every direction. There are in all no less than twenty separate establishments, each independent, though all are associated ecclesiastically for certain common objects. Three of them are Russian, two are Bulgarian, and the others mostly Greek. The Russian convents are large and apparently wealthy and flourishing, with several dependencies, or sketes, as they are called. My predecessor, Mr. Boker, and Baron Werther, the German ambassador, had visited there a few years ago, in company with the Count Ignatieff, then Russian ambassador, and the visit is remembered with a pleasure of which I and my party enjoyed the usufruct. After seeing these retreats and their inmates, I could easily appreciate the feeling which induced the Russian plenipotentiaries to stipulate for their security by article 22 of the treaty of San Stefano. The female sex of both man and beast is rigorously excluded, and the life and manners of the Middle Ages prevail.

Going from Mount Athos, we encountered a storm of unusual violence even for these seas, from which we took shelter in a bight of the Mysian coast, near the ancient city of Assos, now mostly in ruins and with only a few hundred inhabitants. During the two days we were detained there I went to it and examined it sufficiently to be satisfied there is much to be found on and around the site interesting to the antiquary and the archæologist. As the place is out of the line of ordinary travel, and therefore rarely visited and but little known, I should, had time been at my command, have extended my researches.

At Mytilene where we have an earnest, I might say enthusiastic rep-

representative, I found him involved with his superior, the experienced consul at Smyrna, in a question relating to one of his dragomans. By the Turkish regulations each consular officer in the empire is allowed to retain four dragomans and four cavasses, and most of them, I am told, avail themselves of the entire complement. The consular agent at Mytilene, however, has had heretofore but a single cavass and two dragomans. A few months ago one of the latter died, and on application through the consulate-general at Constantinople the legation procured from the Sublime Porte a firman for a successor. This instrument was transmitted from the consulate-general to the consul at Smyrna to be forwarded to the consular agency at Mytilene. The consul at Smyrna, it seems, is embarrassed by an instruction received by him several years ago from the Department of State on the subject of consular dragomans. I hope I shall be deemed neither officious nor superserviceable in suggesting how very little inconvenience is likely to arise from these humble appointments, while they contribute much to the standing and influence of the offices to which they belong. Wherever it is worth while to plant the flag it is surely of importance to make it respected. No one can be a long time in the East without observing the consequence that attaches to a retinue. In this particular instance, inasmuch as the firman has been requested and granted, it will be better, and avoid inquiry and remark, to have it delivered and duly recognized by the governor of Mytilene. Unless the Department think proper otherwise to instruct, I shall give directions in that sense.

There are on the island of Mytilene few American citizens, and these naturalized; but I was quite unprepared to hear, as I did, that there are no less than one hundred natives of the island in different parts of the United States.

Arriving early this morning at Constantinople, I found everything remarkably quiet—the tranquillity of returning peace, or the stillness which precedes the storm!

I have, &c.,

HORACE MAYNARD.

---

No. 513.

*Mr. Maynard to Mr. Evarts.*

No. 251.]

LEGATION OF THE UNITED STATES,  
Constantinople, May 21, 1878. (Received June 17.)

SIR: There was much excitement yesterday over an occurrence at the Tcheragan Palace, understood to be a revolutionary attempt to restore to the throne the ex-Sultan Murad V.

The circumstances, as far as they transpired, were embodied last evening in a report by the dragoman. The press was silent, but to-day it gives a very guarded account, quite in contrast, no doubt, with the voluminous narratives which will be published in Western Europe and America.

This, the most beautiful of all the imperial palaces, was built by the late Sultan Abd-ul-Aziz, and was a favorite resort, though his residence was the palace of Dolnabaghtché, distant less than a mile. Both are on the European shore of the Bosphorus, not far from where it unites with the Golden Horn. It was regarded as a mark of respect toward the United States that he received me in audience at this palace to deliver my letters of credence. Here it seems the unfortunate Murad has lived,

not exactly a prisoner, but under surveillance, ever since his dethronement (dispatch No. 91, of September 1, 1876). His mental condition has been the subject of a good deal of surmise, chiefly, I imagine, because he was kept secluded from the public, and his existence shrouded in the mystery that envelops the Sultan's palaces, and invites speculation. The most authentic account I have heard is that his faculties, naturally weak, were unsettled by his uncle's tragic death (dispatch No. 69, of June 8, 1876), and that he has never recovered from the shock. His brother, the reigning Sultan, has a reputation for great humanity, and it is said treats him as tenderly as their relative situations will permit.

I have, &c.,

HORACE MAYNARD.

[Inclosure 1 in No. 251.]

*Mr. Gargiulo to Mr. Maynard.*

PERA, May 20, 1878.

DEAR SIR: The following is the account of the plot against the Sultan, which I believe to be exact:

This morning from five to six hundred men, armed with rifles and revolvers, attacked the palace of Tcheragan, where the ex-Sultan Murad lives.

The conspirators planned to carry off Murad and proclaim him Sultan. Notice of the plot having been given, three thousand soldiers arrived and surrounded the palace. The iron-clads also intercepted the approach to it by sea. All the conspirators were disguised in the costume of refugees.

There were found among them some officers of the army and some of the servants of Murad. Murad is now at Top-Capon under a strong guard.

It is asserted that about three hundred were killed and wounded on both sides. The fight lasted three hours. Up to this time more than two hundred arrests have been made, and they continue.

The panic that prevailed at the bazaar existed also at Bechiktash. Patrols are active everywhere.

I am, sir,

A. A. GARGIULO.

[Inclosure 2 in No. 251.]

*Newspaper account of the recent attempt at revolution.*

[From the Daily Levant Herald, of May 21, 1878.]

MYSTERIOUS MOVEMENT AT TCHERAGAN—CONFLICT IN THE PALACE—DEATH OF AIL SUAVI EFFENDI.

Yesterday morning, a crowd of several hundred refugees, or men in the costumes of Roumelia, assembled in the broad road which leads by the palace of Tcheragan from Béchiktash to Ortakeui. They were quiet in their demeanor, and the assemblage created no alarm in the neighborhood, until about 11 o'clock, when they approached the great gates opening upon the central building of the palace designed for the residence of Sultan Abdul-Aziz, and lately occupied by ex-Sultan Murad V. At this gate, the persons who directed the movements of the crowd were observed to demand admittance, and when this was refused by the sentinel on duty, a rush was made; the sentinel was overpowered and stabbed, and the mob pushed its way through the courtyard and gained the entrance to the palace itself. Here there was resistance on the part of the guard, and some shots were fired, but the sentinels were borne down by the weight of the crowd, a portion of which passed over their bodies into the palace, but the great bulk of the crowd remained outside. The persons who pushed their way into the building are said to number upward of 100, but their number is not precisely known. They, however, seemed familiar with the building, and went straight to the apartments of Murad. By this time, however, the alarm of the shots fired by the sentries had brought two companies of infantry to the spot, at sight of whom the crowd outside the palace rapidly dispersed. Marching on into the palace, after closing the gates behind them, the troops met the mob, and a conflict ensued, which began with daggers and bayonets and ended in a fusillade. The result was that the in-



truders were defeated; 21 were killed, 17 wounded, and the rest taken prisoners and sent at once on board the iron-clads in the Bosphorus. Among the dead were his excellency Ali Suavi Effendi, late governor of the Imperial Lyceum of Galata-Serai—formerly well known as a prominent exiled *littérateur* of the "Young Turkey" party—as also a Circassian chief, and some other leaders of the movement. The wounded prisoners, after being questioned by the *bimbashi* (officer in charge), were, at His Majesty's request, taken before the Sultan, who interrogated them in person. They were all, they said, from the neighborhood of Philippopoli, and had joined a band which had been raised by Ali Suavi and the Tcherkess chief with the avowed object of assisting their brethren in the Rhodope. Ali Suavi had given them arms, and had mustered them near Tcheragan to do homage to the Sultan before they started on their expedition, and the Sultan, they had been led to believe, would furnish them with money. They were not aware that Murad was not the Sultan, or that they were going to the presence of Murad; they thought they were being led to their padishah. The Sultan expressed his commiseration for them, as they had been deceived by the instigations and misrepresentations of the ringleaders, and he ordered that every medical attention should be paid to the wounded.

Early in the afternoon, His Majesty summoned ministers to a special cabinet council at Yeldiz-kiosk, at which some measures were discussed for the prompt removal of the refugees from the capital, and, if our information be correct, it was decided to charter without delay a sufficient number of steamers to convey them to some other place. After the council, the Sultan sent an invitation to ex-Sultan Murad to come to the imperial villa at Yeldiz, which that prince at first declined to accept, and he was even inclined to resist it when pressed upon him by His Majesty's aide-de-camp. On being assured, however, that he would be exposed to no sort of inconvenience, Murad Effendi attended the aide-de-camp to the Sultan's residence at Yeldiz-kiosk, and still remains there, the guest of his imperial brother.

Some minor incidents may be worth mention. For some days past, refugees, or persons in the garb of refugees, are said to have been observed assembling near the palace of Tcheragan in somewhat unusual numbers, and then gradually dispersing. Most of those who took part in the affair of yesterday were of the lower class of Turks, *tchapkyns*, as the Turks themselves call them, but some few of those who forced their way into the court-yard of Tcheragan are said to have been wearing the uniform of the civic guard. When the firing at Tcheragan was heard, an alarm was given among the troops at and near the imperial villa of Yeldiz-kiosk. The riflemen encamped above the kiosk of the Great Flamour ran to arms, and shortly afterward four battalions came from the Bella Vista barracks and surrounded the Yeldiz villa. These troops, however, marched back to their barracks about 4 p. m., and Yeldiz remained guarded only by parties of riflemen. The palace of Tcheragan was also strongly guarded by soldiers and *zaptiehs*. Some versions, as was to be expected, set down the number of refugees engaged as also the number of killed and wounded in the affair as considerably larger than that which our own information has justified us in giving. When it was seen from the water that there was something wrong at Tcheragan, several boats filled with armed sailors were sent off at once from the iron-clads to the palace. Great excitement was caused in all parts of the capital as the news of the affair spread, with the customary exaggerations, it being described as a revolution, part of a general plot, &c. At Stamboul there was an outcry that "the Russians were coming," and the stall-holders in the bazaar caused the gates to be closed, shutting in a number of male and female purchasers, many of the latter of whom fainted. In Galata, too, several of the khans were closed, and only persons known were allowed to enter. This feeling of panic, however, soon abated, and before evening set in had worn away.

---

#### No. 514.

*Mr. Maynard to Mr. Ecarts.*

No. 253.]

LEGATION OF THE UNITED STATES,  
Constantinople, May 29, 1878. Received June 22.)

SIR: I have the honor to announce another change in the imperial ministry. Yesterday was abolished the office of prime minister, created three months ago, and held in succession by His Highness Ahmed Vefik

Pasha and His Highness Sadik Pasha (dispatches No. 221, February 5, 1878, and No. 244, April 22, 1878), and the office of Grand Vizier restored and conferred upon His Highness Mehmet Ruchdi Pasha.

The imperial hatt (decree) usual to such occasions, and in the Turkish language, has not, so far as I am aware, been translated for publication. The substance appears in the papers of to-day.

The Grand Vizier is an old man, connected for many years past with public affairs, and now holds the office for the fifth time (dispatches No. 66, May 12, 1876, and No. 113, December 27, 1876). Since December 18, 1876, the date of his last retirement, he has remained withdrawn from official life until a few weeks ago, when he was recalled by the Sultan to the ministry, but without a portfolio.

Saturday last, the 25th instant, His Highness Mahmoud Damad Pasha, who had been in retirement since the 5th of February (see dispatch of that date), was made minister of war.

Coming after the events of last week, these changes are supposed to indicate a wish on the part of the Sultan to surround himself with ministers on whom he can personally rely.

I am, &c.,

HORACE MAYNARD.

[Inclosure in No. 253.]

[From the Daily Levant Herald of May 29, 1878.]

*Abolition of the title of prime minister.—New arrangements and appointments.*

Yesterday evening, while the ministers were holding a special council at the Sublime Porte, under the presidency of Sadik Pasha, their deliberations were suddenly interrupted by the arrival of the second chamberlain of the palace, Osman Bey, who announced to the prime minister, Sadik Pasha, that he was charged by His Majesty the Sultan to receive from his excellency the seals of the state.

A few minutes afterward the Sheik-ul-Islam was called to the palace by the first chamberlain, Kiazim Bey.

The sitting of the ministers had not broken up before a telegram was received from the palace notifying the elevation of His Highness Mehemed Rushdi Pasha to the post of Grand Vizier, and ordering the ordinary ceremonies of installation to be at once proceeded with.

About half past eight o'clock, accordingly, everything was completed in the usual manner, the imperial hatt being read by the grand referendary, Said Pasha. It was very short; the substance being that Sadik Pasha was to resign his functions as prime minister, to give place to Mehemed Rushdi Pasha as Grand Vizier; that the latter was eminently capable of maintaining tranquillity in the state, and to inspire general confidence, while, at the same time, observing absolute respect for the sacred rights of the sovereign, as established by Ottoman law (Kanoun), the office of prime minister being abolished and that of Grand Vizier restored as heretofore.

His Majesty terminates by expressing a hope that union and concord may prevail, so that the clauses of the constitution may be fully executed and the progress and prosperity of the country be thus assured.

No. 515.

*Mr. Maynard to Mr. Erarts.*

No. 255.]

LEGATION OF THE UNITED STATES,  
Constantinople, June 5, 1878. (Received July 3.)

SIR: I have the honor to announce still another change in the high office of Grand Vizier.

Last night the imperial hatt was published at the Porte, proclaiming

His Highness Safvet Pasha, now and for a long time past minister of foreign affairs, Grand Vizier, in place of His Highness Mehemet Ruchdi Pasha who had held the office just one week.

Phosphor Mustapha Pasha is appointed minister of war in place of His Highness Mahmoud Damad Pasha, who received the office ten days ago.

There is apparently little significance to be attached to these changes beyond the distracted condition of the Ottoman Government.

The caution and prudence of the new Grand Vizier will be more likely to prevent mischief than to suggest remedies.

I am, &c.,

HORACE MAYNARD.

No. 516.

*Mr. Maynard to Mr. Evarts.*

No. 266.]

LEGATION OF THE UNITED STATES,  
*Constantinople, July 16, 1878. (Received August 12.)*

SIR: The light has just fallen upon a recent piece of diplomatic negotiation between Great Britain and the Sublime Porte.

It appears that as early as June 4, 1878, nine days prior to the meeting of the late congress of Berlin, a convention of defensive alliance was signed at the imperial palace of Yeldiz, for many months past the residence of His Imperial Majesty the Sultan, by Her Britannic Majesty's ambassador and the imperial minister of foreign affairs. To this convention an annex was signed by the same persons on the 1st of July following. I inclose copies of the two instruments, with the instructions of the Marquis of Salisbury, Her Britannic Majesty's secretary of state for foreign affairs, which have been published here this evening.

It will be observed that between the two dates both plenipotentiaries received distinguished marks of favor from their respective governments.

The Right Hon. Austin Henry Layard became the Right Hon. Sir A. H. Layard, G. C. B., and Safvet Pasha became His Highness the Grand Vizier.

These negotiations seem to have been conducted with great secrecy, and not to have been known or suspected by the other chiefs of missions.

The French ambassador is said to regard them with disfavor, as impairing the *entente* between his government and that of Great Britain.

The transfer of the island of Cyprus is regarded as a capital change in the Eastern situation.

I am, &c.,

HORACE MAYNARD.

[Inclosure in No. 266.]

[From the Constantinople Daily Messenger of July 16, 1878.]

*Convention between Great Britain and the Sublime Porte and annex thereto.*

THE ANGLO-TURKISH TREATY.—THE OFFICIAL PAPERS.

In accordance with the promise made by ministers in both houses on the 8th instant, the following "Correspondence respecting the convention between Great Britain and Turkey of June 4, 1878," was laid before Parliament on July 9:

No. 1.

*The Marquis of Salisbury to Sir A. H. Layard.*

FOREIGN OFFICE, May 30, 1878.

SIR: The progress of the confidential negotiations which have for some time past been in progress between Her Majesty's Government and the Government of Russia make it probable that those articles of the treaty of San Stefano which concern European Turkey will be sufficiently modified to bring them into harmony with the interests of the other European powers and of England in particular.

There is, however, no such prospect with respect to that portion of the treaty which concerns Turkey in Asia. It is sufficiently manifest that, in respect to Batoum and the fortresses north of the Araxes, the Government of Russia is not prepared to recede from the stipulations to which the Porte has been led by the events of the war to consent. Her Majesty's Government have consequently been forced to consider the effect which these agreements, if they are neither annulled nor counteracted, will have upon the future of the Asiatic provinces of the Ottoman Empire and upon the interests of England, which are closely affected by the condition of those provinces.

It is impossible that Her Majesty's Government can look upon these changes with indifference. Asiatic Turkey contains populations of many different races and creeds, possessing no capacity for self-government and no aspirations for independence, but owing their tranquillity and whatever prospect of political well-being they possess entirely to the rule of the Sultan. But the Government of the Ottoman dynasty is that of an ancient-but still alien conqueror, resting more upon actual power than upon the sympathies of common nationality. The defeat which the Turkish arms have sustained and the known embarrassments of the government will produce a general belief in its decadence and an expectation of speedy political change, which in the East are more dangerous than actual discontent to the stability of a government. If the population of Syria, Asia Minor, and Mesopotamia see that the Porte has no guarantee for its continued existence but its own strength, they will, after the evidence which recent events have furnished of the frailty of that reliance, begin to calculate upon the speedy fall of the Ottoman domination, and to turn their eyes toward its successor.

Even if it be certain that Batoum and Ardahan and Kars will not become the base from which emissaries of intrigue will issue forth, to be in due time followed by invading armies, the mere retention of them by Russia will exercise a powerful influence in disintegrating the Asiatic dominion of the Porte. As a monument of feeble defense on the one side, and successful aggression on the other, they will be regarded by the Asiatic population as foreboding the course of political history in the immediate future, and will stimulate, by the combined action of hope and fear, devotion to the power which is in the ascendant, and desertion of the power which is thought to be falling into decay.

It is impossible for Her Majesty's Government to accept, without making an effort to avert it, the effect which such a state of feeling would produce upon regions whose political condition deeply concerns the Oriental interests of Great Britain. They do not propose to attempt the accomplishment of this object by taking military measures for the purpose of replacing the conquered districts in the possession of the Porte. Such an undertaking would be arduous and costly, and would involve great calamities, and it would not be effective for the object which Her Majesty's Government have in view, unless subsequently strengthened by precautions which can be taken almost as effectually without incurring the miseries of a preliminary war. The only provision which can furnish a substantial security for the stability of Ottoman rule in Asiatic Turkey, and which would be as essential after the reconquest of the Russian annexations as it is now, is an engagement on the part of a power strong enough to fulfill it, that any further encroachments by Russia upon Turkish territory in Asia will be prevented by force of arms. Such an undertaking, if given fully and unreservedly, will prevent the occurrence of the contingency which would bring it into operation, and will, at the same time, give to the populations of the Asiatic provinces the requisite confidence that Turkish rule in Asia is not destined to a speedy fall.

There are, however, two conditions which it would be necessary for the Porte to subscribe before England could give such assurance.

Her Majesty's Government intimated to the Porte, on the occasion of the conference at Constantinople, that they were not prepared to sanction misgovernment and oppression; and it will be requisite, before they can enter into any agreement for the defense of the Asiatic territories of the Porte in certain eventualities, that they should be formally assured of the intention of the Porte to introduce the necessary reforms into the government of the Christian and other subjects of the Porte in these regions. It is not desirable to require more than an engagement in general terms, for the specific measures to be taken could only be defined after a more careful inquiry and deliberation than could be secured at the present juncture.

It is not impossible that a careful selection and a faithful support of the individual

officers to whom power is to be intrusted in those countries would be a more important element in the improvement of the condition of the people than even legislative changes, but the assurance required to give England a right to insist on satisfactory arrangements for these purposes will be an indispensable part of any agreement to which Her Majesty's Government could consent. It will further be necessary, in order to enable Her Majesty's Government efficiently to execute the engagements now proposed, that they should occupy a position near the coast of Asia Minor and Syria. The proximity of British officers and, if necessary, British troops, will be the best security that all the objects of this agreement shall be attained. The island of Cyprus appears to them to be in all respects the most available for this object. Her Majesty's Government do not wish to ask the Sultan to alienate territory from his sovereignty, or to diminish the receipts which now pass into his treasury. They will, therefore, propose that while the administration and occupation of the island shall be assigned to Her Majesty, the territory shall still continue to be part of the Ottoman Empire, and that the excess of the revenue over the expenditure, whatever it at present may be, shall be paid over annually by the British Government to the treasury of the Sultan.

Inasmuch as the whole of this proposal is due to the annexations which Russia has made in Asiatic Turkey, and the consequences which it is apprehended will flow therefrom, it must be fully understood that if the cause of the danger should cease, the precautionary agreement will cease at the same time. If the Government of Russia should at any time surrender to the Porte the territory it has acquired in Asia by the recent war, the stipulations in the proposed agreements will cease to operate, and the island will be immediately evacuated.

I request, therefore, your excellency to propose to the Porte to agree to a convention to the following effect, and I have to convey to you full authority to conclude the same on behalf of the Queen and of Her Majesty's Government :

"If Batoum, Ardahan, Kars, or any of them, shall be retained by Russia, and if any attempt shall be made at any future time by Russia to take possession of any further portion of the Asiatic territories of the Sultan, as fixed by the definitive treaty of peace, England engages to join the Sultan in defending them by force of arms. In return, the Sultan promises to England to introduce necessary reforms (to be agreed upon later between the two powers) into the government of the Christian and other subjects of the Porte in these territories; and, in order to enable England to make necessary provision for executing her engagement, the Sultan further consents to assign the island of Cyprus to be occupied and administered by England."

I am, &c.,

SALISBURY.

---

No. 2.

*Sir A. H. Layard to the Marquis of Salisbury.*

Therapia, June 5, 1878.

My LORD: I have the honor to inclose the convention of defensive alliance between England and Turkey to secure the Sultan's territories in Asia for the future against Russia, signed yesterday, at the imperial palace of Yeldiz, by His Excellency Safvet Pasha, the Turkish minister for foreign affairs, and myself as Her Majesty's ambassador extraordinary and plenipotentiary.

I have, &c.,

A. H. LAYARD.

---

*Convention of defensive alliance between Great Britain and Turkey, signed June 4, 1878.*

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and His Imperial Majesty the Sultan, being mutually animated with the sincere desire of extending and strengthening the relations of friendship happily existing between their two empires, have resolved upon the conclusion of a convention of defensive alliance with the object of securing for the future the territories in Asia of His Imperial Majesty the Sultan.

Their Majesties have accordingly chosen and named as their plenipotentiaries, that is to say :

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, the Right Honorable Austin Henry Layard, Her Majesty's ambassador extraordinary and minister plenipotentiary at the Sublime Porte;

And His Imperial Majesty the Sultan, His Excellency Safvet Pasha, minister for foreign affairs of His Imperial Majesty;

Who, after having exchanged their full powers, found in due and good form, have agreed upon the following articles:

ARTICLE I.

If Batoum, Ardahan, Kars, or any of them, shall be retained by Russia, and if any attempt shall be made at any future time by Russia to take possession of any further territories of His Imperial Majesty the Sultan in Asia, as fixed by the definitive treaty of peace, England engages to join His Imperial Majesty the Sultan in defending them by force of arms.

In return, His Imperial Majesty the Sultan promises to England to introduce necessary reforms, to be agreed upon later between the two powers, into the government and for the protection of the Christian and other subjects of the Porte in these territories; and, in order to enable England to make necessary provision for executing her engagement, His Imperial Majesty the Sultan further consents to assign the island of Cyprus to be occupied and administered by England.

ARTICLE II.

The present convention shall be ratified, and the ratifications thereof shall be exchanged, within the space of one month, or sooner if possible.

In witness whereof the respective plenipotentiaries have signed the same and have affixed thereto the seal of their arms.

Done at Constantinople the 4th day of June, 1878.

[L. s.]  
[L. s.]

A. H. LAYARD.  
SAFVET.

No. 3.

*Sir A. H. Layard to the Marquis of Salisbury.*

Therapia, July 1, 1878. (Received July 8.)

MY LORD: I have the honor to inclose the original annex to the convention entered into between England and Turkey for the occupation of the island of Cyprus by the former, signed this day by the Grand Vizier and myself.

Your lordship will perceive that I have made the alterations in Articles III and IV, as instructed by your lordship, to prevent the Porte from claiming as average revenue under the third clause the yield of land which it has let or sold under the fourth. The Grand Vizier inserted upon inserting in Article III the amount of surplus of revenue over expenditure, but it is provided that the sum mentioned is to be verified hereafter.

The article providing that Turkey shall not be called upon, in case of the evacuation of the island, to pay for improvements, &c., was withdrawn from the annex on the assurance given by me to the Grand Vizier that your lordship would cause a revised article to be framed in the sense desired by his highness, but at the same time meeting the objections put forward by your lordship.

I have, &c.,

A. H. LAYARD.

*Annex to the convention of defensive alliance between Great Britain and Turkey, signed June 4, 1878.*

The Right Hon. Sir A. H. Layard, G. C. B., and His Highness Safvet Pasha, now the Grand Vizier of His Majesty the Sultan, have agreed to the following annex to the convention signed by them as plenipotentiaries of their respective governments on June 4, 1878:

It is understood between the two high contracting parties that England agrees to the following conditions relating to the occupation and administration of the island of Cyprus:

I. That a Mussulman religious tribunal (Mehkéméi Shéri) shall continue to exist in the island, which will take exclusive cognizance of religious matters, and of no others, concerning the Mussulman population of the island.

II. That a Mussulman resident in the island shall be named by the Board of Pious Foundations in Turkey (Evkaf) to superintend, in conjunction with a delegate to be appointed by the British authorities, the administration of the property, funds, and

lands belonging to mosques, cemeteries, Mussulman schools, and other religious establishments existing in Cyprus.

III. That England will pay to the Porte whatever is the present excess of revenue over expenditure in the island; this excess to be calculated upon and determined by the average of the last five years, stated to be 22,936 purses, to be duly verified hereafter, and to the exclusion of the produce of state and crown lands let or sold during that period.

IV. That the Sublime Porte may freely sell and lease lands and other property in Cyprus belonging to the Ottoman crown and state (Arazii Miriyé vé Emslaki Houmayoun), the produce of which does not form part of the revenue of the island referred to in Article III.

V. That the English Government, through their competent authorities, may purchase compulsorily, at a fair price, land required for public improvements, or for other public purposes, and land which is not cultivated.

VI. That if Russia restores to Turkey Kars and the other conquests made by her in Armenia during the last war, the island of Cyprus will be evacuated by England, and the convention of the 4th of June, 1878, will be at an end.

Done at Constantinople the 1st day of July, 1878.

A. H. LAYARD.  
SAFVET.

No. 517.

*Mr. Maynard to Mr. Evarts.*

No. 273.]

LEGATION OF THE UNITED STATES,  
*Constantinople, August 30, 1878. (Received October 4.)*

SIR: I had the honor some days since to transmit the text of the treaty of Berlin, with maps illustrating the changes made by it in the configuration of the Turkish Empire (dispatch No. 269, July 24, 1878).

For several weeks past this capital has been unusually quiet; everything has seemed stagnant, almost torpid; military movements have ceased.

Diplomatic achievements are accomplished; the news-gatherer finds little to stimulate the public curiosity, and there is too much poverty for great commercial activity.

The Government of Great Britain has taken possession unopposed of the island of Cyprus.

At first there was a great gathering, mostly of the enterprising classes, from different parts, expecting great personal opportunities from the change. Their experience has been undoubtedly a disappointment.

Both strategically and commercially Cyprus appears to me the least important of the Turkish islands, full of interest as it certainly is to the historian and the antiquarian. Without harbors, unhealthy, occupied by a population whose habits, fixed for generations past, will alter little for generations to come, it offers no attractions for colonization, while there are few artificial wants to encourage professional, commercial, or financial pursuits.

A governor with his staff, several hundred soldiers in scattered detachments, and a ship or two in the offing, will represent, probably for a long time, the new order of things.

Austria-Hungary has marched her troops into Bosnia and the Herzegovina, to find any but a welcome reception.

Our information is very limited, but enough to indicate a conquest challenged at every point rather than a peaceful occupation.

It is suspected that the resistance is encouraged by the Sublime Porte, but I have seen nothing to warrant the suspicion, and the hos-

tility can readily be explained by the temper of the people, who aspire to independence, and not to a mere change of masters.

The port of Batoum on the Black Sea is still held by the Turks. We hear reports that the Lazes will resist a Russian approach to the bitter end.

The Russians appear to be in no haste to take possession of it, important to them as it undoubtedly is. In view of their occupation of other points dependent upon the surrender of this, they probably think they can afford to wait.

The Turkish fortresses on the Danube and those forming the so-called quadrilateral have, I understand, all been surrendered.

The independent states of Montenegro, Servia, and Roumania are apparently quiet, and busy only with their internal affairs. The same may be said of Bulgaria.

On the Grecian frontier, however, a different state of things prevails. The Greeks expected as a result of the late war a substantial acquisition of territory Epirus and Thessaly certainly, if not a considerable portion of Macedonia, in addition to the island of Crete. Their claim appears to rest negatively upon a dislike of Russia and a strong antipathy against the Bulgarians, which held them aloof from the war. What encouragement they may have received from any quarter I have no means of knowing; though assurances, they allege, were given them. Naturally they were not considered in the treaty of San Stefano. The congress of Berlin in the thirteenth protocol agreed, with the exception of the Ottoman plenipotentiaries, inviting the Sublime Porte "to arrange with Greece for a rectification of frontiers in Thessaly and Epirus."

This was followed in Article XXIV of the treaty by a reservation to the other powers of offering mediation. This action of the congress called from His Highness Safvet Pasha, grand vizier and minister of foreign affairs, an elaborate reply in the form of a circular note to the other treaty powers, a copy of which I inclose.

So the matter stands for the present. Meanwhile there is much disorder reported all along the disputed boundary.

I am, &c.,

HORACE MAYNARD.

---

[Inclosure 4 in No. 273.]

*Sarfat Pasha to the European powers.*

THE TURKISH GOVERNMENT AND GREECE.

The following is published by the German papers as the text of the Turkish dispatch upon the claims of Greece:

CONSTANTINOPLE, August 8, 1878.

The Berlin congress having admitted the delegates of the Kingdom of Greece to state the desires and views of the Hellenic Government, M. Delyannis formulated and developed before the distinguished assembly the demand for the incorporation with Greece of Epirus, Thessaly, and Crete. It was in consequence of this step of the Hellenic Government that a desire was expressed by the congress that Greece should be accorded a rectification of frontier, a desire which gave birth to article 24 of the treaty of Berlin, whereby the great powers reserve the right of offering their mediation to the Sublime Porte and to Greece in case the two governments should not agree on the rectification of frontier. The Ottoman plenipotentiaries at the Berlin congress declared, in accordance with the instructions of the Sublime Porte, that the imperial government reserved the right of explaining to the powers the real state of things as concerns Greece. It is by virtue of this reservation, which was inserted in the protocol, that the imperial government, after having examined with the most scrupulous attention the reasons adduced by the cabinet of Athens to justify its pretensions, submits to the great powers the considerations of a political and moral order which should



enable them to judge, with full knowledge of the matter, of the character, bearing, and consequences of a cession of territory to Greece. The Sublime Porte is bound to declare at the outset in the most formal manner that neither His Imperial Majesty the Sultan nor his government ever had to deliberate on a project of this nature, and that it was for the first time called on to consider it when the project came to light within the congress. It knows that the cabinet of Athens endeavors to prove that it was owing to the counsels and assurances of some of the great powers that it abstained during a long lapse of time from any act of aggression against the states of the Sultan, and it thus hopes to show that these powers, who paralyzed by their pacific influence the action of Greece, are now its debtors and loyally bound to support the Hellenic claims. It is not for the imperial government to investigate the value and bearing of the counsels given to Greece for the last two years by the western powers, but it has a right to affirm that if Greece maintained an expectant attitude and abstained from any direct act of hostility toward Turkey during some time, it was not merely through regard for the counsels and promises of certain European powers, but also and especially by reason of the constant defeat of all its measures for getting itself guaranteed against the results of its enterprise. To convince any one of this it will be sufficient to republish the manifesto published by M. Deligeorgis, ex-minister of His Majesty King George, to justify his ministry from the reproach of inaction. Let us now examine the demand formulated by M. Delyannis before the Berlin congress. That demand consists in the annexation pure and simple of Epirus, Thessaly, and the isle of Crete to the Kingdom of Greece, and is justified according to the Hellenic ministry by arguments and considerations which may be thus summed up:

"Greece aspires to unite under the same government all the countries inhabited by populations of Greek origin; but she acknowledges the necessity for the present of limiting her desire to the annexation of Candia and the provinces bordering on the kingdom, in order to respond to the desires of Europe. This annexation has from all time been the dearest wish of those provinces, which have often expressed it by taking up arms. Satisfaction given to this desire would be an act of justice and humanity, which would complete the pacificating work of Europe, and would thus render impossible the return of the troubles periodically agitating these countries. Greece, which has all along experienced the rebound of these troubles, and which exhausts herself in armaments grounded on this abnormal situation, and in expenditure caused by the necessity of according succor to the refugees of the insurgent provinces and to the repatriated combatants, might thenceforth devote her resources to the material development of the country. Turkey herself would gain in security, and the relations of neighborliness which would be established between the two countries would run no further risk of being disturbed. The rejection of the wishes of Greece would infallibly lead to a general conflagration in these countries, in which the Hellenic people would be led to take part, whatever the efforts of its rulers to prevent it."

Such are in substance the reasons adduced by M. Delyannis to justify his demand for an annexation. It is easy to dispose of a doctrine which, dangerous in itself, is contrary to all the principles of political right, and rests indeed on entirely erroneous historical data; but the congress having at the very first definitively set aside the idea of the annexation of Crete to the Kingdom of Greece, and having maintained as realizable only the project of a simple rectification of frontier on the continent, we will confine ourselves to recalling that the inhabitants of that isle have never taken up arms against the legitimate authority of the Sublime Porte, or against each other, except at the instigation of intriguers from abroad, and on the invasion of their country by bands of foreigners organized in Greece, not to give succor to their brethren in arms, but to involve them in war without provocation or pretext.

Thus, to consider only the third Cretan insurrection, that of 1867, the longest and the bloodiest, it is a fact that the island itself did not rise in insurrection, but experienced a veritable Greek invasion. On the very day the invasion ceased—that is to say, when the insurrection found nothing more to nourish it from without—the island was pacified as if by witchery. The result of this sad enterprise was the ruin of Crete, the death of three-fourths of the unfortunate inhabitants, who were obliged to expatriate themselves, the exhaustion of Greece, and the loss of so many brave Ottoman soldiers, defenders of their sovereign's rights. It was also, or it ought to be, a striking and painful proof of the true character of Cretan movements, always and exclusively egged on by Greece, who took no thought of the calamities which it periodically called down on this unhappy island. Crete, however, being left out of the question by the wise will of the congress, it remains to look at the past and present situation of the provinces contiguous to Greece, and examine the value of the arguments adduced by the cabinet of Athens to sunder them from the Ottoman Empire; and let us first attend to the state of suffering, of discontent, and effervescence in which Epirus and Thessaly are alleged to have been plunged for many years. History will refute the assertion. History teaches us that from 1829, when the feudal system was abolished in Roumelia, to 1853, these two provinces have lived in perfect tranquillity; that they were only troubled for an instant in 1845 by the resistance of the Mussul-

man population of Lower Albania—a resistance soon quelled, and which for the rest had nothing to do with the pretended claims for independence attributed to the Christian element. In 1853 Epirus and Thessaly were invaded by two Greek army corps, who laid the country waste, and perpetrated on the property and persons of the Christians themselves, whom they pretended they had come to deliver, such excesses as compelled France and England to occupy the Pireus in order to put an end to them. Again, after fifteen years of quiet, these two provinces were troubled afresh with hostile attempts publicly prepared under the eyes of the Hellenic Government. Bands of volunteers crossed from Greece into Thessaly and Epirus, carrying into these countries fire and sword, obliging the inhabitants, as the imperial government is prepared to prove, to rise against their lawful rulers, but finally failing before the wisdom and loyalty of all the people. Then it was that in view of these failures the government of His Hellenic Majesty, discouraged by the inflexible refusal of Russia to give Greece a share of the fruit of her victories, and feeling that opportunities slip away, caused its army to invade Ottoman territory without rupture of diplomatic relations and in full peace, in order to secure what M. Delyannis called the objects of the national aspirations of Greece. Now, if, yielding to the observations of some of the great powers, His Majesty King George recalled his troops to Hellenic territory, is it possible that his government can now make of that an argument for maintaining that these same powers, by thus inviting him to terminate an enterprise so contrary to the law of nations, have entered into an obligation with Greece to make good to her the price of her docility by means of a cession of territory?

But, however that may be, what we have just said concerning the moral and material state of Epirus and of Thessaly for the last 50 years will suffice to nullify the first and most important arguments urged before the congress by M. Delyannis, to wit, that the populations of these provinces have always submitted with impatience to Ottoman sway, that they have constantly risen in insurrection to achieve their independence, and that their only ambition is to see their country united to the Kingdom of Greece. It is now, on the contrary, perfectly clear that the inhabitants of Epirus and Thessaly have always lived peaceably, and willingly submitted themselves to the Ottoman authorities, that they have never taken up arms to make good supposititious claims, that they have sometimes endured, but never invoked, the intervention of a neighboring country, and that, in fact, if rendered secure from the enterprises set afoot by that neighbor, they would continue to live happily and prosperously under the laws of the Ottoman Empire. It was, therefore, not in the name of these provinces, the annexation of which he demanded, that M. Delyannis was entitled to speak at the table of the congress. Among the other arguments brought forward by him to convince that high assembly, we shall not stop to deal with that which consisted in the assurance that the annexation demanded would complete the happiness of Greece. We are not qualified to deal with this question; it is for the powers more disinterested than we, and who have studied the history of Greece since its creation, to determine whether an addition of territory would result in procuring for her peace inside and outside her bounds, with stability of institutions and government. We must confine ourselves to pointing out that political honesty will not permit the dismemberment of one nation to the advantage of another, for the simple reason that the latter would thus be rendered happier. The last great argument of M. Delyannis was based on the assertion, loudly proclaimed, that by giving Epirus and Thessaly to Greece, Europe would close forever the era of struggles and conflicts between that kingdom and the Ottoman Empire, and consolidate its work of peace. Why should M. Delyannis have taken pains to deprive this argument of all credibility and force by letting it be understood at the very outset in the written communication made by him to the congress that the true and only wishes of the Hellenic Government are, and always have been, to unite under the same sway all countries inhabited by Greeks, and that if Greece confined herself for the moment merely to demanding the annexation of a few provinces, it was out of regard to the firm resolution of Europe to establish peace in the East without too much shaking the existing state of things? In view of such a statement, which opens out the seductive prospect of a lasting peace between the two states, is it not clear that if in a few months, perhaps, Greece deems the hour arrived to undertake a new campaign on the ground of supposititious national claims, the same causes would produce the same effects, and what then would become of that peace which promised to be perpetual, but which lasted no longer than was strictly necessary to hatch fresh enterprises against the law of nations? Would Europe, called upon to pronounce upon this new conflict, imperiling afresh the peace of the East and the feelings of harmony among the great powers, again determine to sacrifice the rights of lawful ownership to the covetousness of an ambitious neighbor, or would she hesitate to do an act repugnant doubtless to her honor? But, however that may be, this eventuality forces itself with such a degree of certainty on all minds, it is so rooted in the order of things, and so in keeping with Hellenic theory, that it is not possible for the great powers to admit as a decisive argument in favor of the demands of Greece the certainty or even the hope of thus doing away with the source of conflicts between Turkey and Greece.

Such are the chief facts and considerations which impose on the Sublime Porte the duty of appealing to Europe itself from the opinion it expressed in the congress concerning the granting to Greece of some additional territory. His Majesty the Sultan, and his government are firmly convinced that the great powers, if further enlightened on the nature, arguments for, and consequences of, the demand put forward by the Hellenic Government, will modify their first opinion, and hasten to bring home to the cabinet of Athens, counsels of rectitude and prudence calculated to turn it from an enterprise equally unjust and impolitic. In any case Europe will never seek to follow Greece along this dangerous path, and thus run the risk of jeopardizing its work of peace. I beg you to read this dispatch to His Excellency the Minister of Foreign Affairs of ———, and to leave with him a copy.

Accept, &c.,

SAVFET.

---

No. 518.

*Mr. Maynard to Mr. Evarts.*

No. 276.]

LEGATION OF THE UNITED STATES,  
*Constantinople, September 28, 1878. (Received Nov. 11.)*

SIR: I have procured authorized copies of the treaty of Berlin, with an English version, which may be taken as authentic; and transmit them in connection with dispatch No. 269, of July 24, 1878.

This now famous instrument can hardly be deemed successful as a measure re-establishing peace in the East. True, a conflict between Great Britain and Russia has been postponed, if not prevented, and the relations between Turkey and Russia agreed upon at San Stefano confirmed; while in the capital, things have settled into a state little short of apathy or even torpor quite painful to witness.

But in all the provinces there are great disturbances, amounting in some instances to actual war. This is especially the condition in Bosnia and the Herzegovina, where the Austro-Hungarian occupation provided for by the treaty is resisted at every step by a hostile population fully aroused and thoroughly armed.

The occupation has become an invasion, with no alternative, apparently, but conquest or retreat.

In the Rhodope Mountains, has gathered a force, variously reported from 10,000 to 20,000 and even 30,000 men, armed apparently against all comers, of whom two Englishmen are said to be the significant leaders. They are represented to be, many of them, very rough characters, bashi bazouks, brigands, freebooters, and outlaws. They succeed in keeping that region disturbed and preventing all peaceful pursuits. Some weeks ago a commission of delegates from the different powers was sent out to treat with them and ascertain any grievances requiring redress; but I understand it failed to agree, and returned without accomplishing anything.

In Albania affairs appear to be even worse, if possible. With a view to restore tranquillity, Mehemet Ali Pasha was sent by the Sublime Porte into the disaffected district.

The first intelligence after his arrival was that he and his retinue had been set upon by the Ghys at Diakovo (on Humphrey's map, Jakova; Arrowsmith's, Jacova; Kiepert's, Diakowitza), a small town not far from Prisrend, and all put to death. Various accounts of this distressing affair have been published, of which I inclose one of the most rational.

The fate of this distinguished officer has made a profound impression and caused much speculation, with reflections, which it might be doing injustice to repeat. He had been one of the Turkish plenipotentiaries

at the congress of Berlin, and had but recently returned. Some notice of him will be found in dispatch No. 181, of August 31, 1877.

On the Greek frontier there is little improvement the last month.

Turkey is disinclined to concede the demands of Greece, and Greece has appealed to the treaty powers to enforce their recommendation made in her behalf at Berlin, with what effect is not yet apparent. At the time, Mehemet Ali Pasha was sent into Albania, Ghazi Ahmed Moukhtar Pasha was sent on a similar mission to the island of Crete, and apparently with much better success. If we may trust reports, the ferment of that excited people has been in a good degree allayed.

The situation in Asia is not much better; Batoum has been abandoned by the Turks to the Russians, who have retired from Erzeroum within the lines fixed by the treaty. Between them, everything was done mutually. Not so with the people. From Batoum the Lazes fled by thousands at the approach of the Russians, and from Erzeroum the Armenian Christians followed the retiring Russians in panic-stricken crowds. Strong appeals in their behalf have been made to the British Government, through the ambassador at the Porte.

A countryman of ours has sent me a copy of one, extracts from which are inclosed.

Insurrectionary movements are reported further south, in the province of the Kozan, but I do not learn their character or extent.

The mutual undertakings between Turkey and Russia by the treaty of San Stefano, with the slight modification by the treaty of Berlin, have been substantially carried into effect.

The Russian armies have retired from around Constantinople as far as Adrianople. The British fleet has also withdrawn about the same distance to Artaki Bay in the southern part of the Marmora, near the site of the ancient Cyzicus; with this difference, however, the fleet can steam back to the former anchorage in a few hours, whereas the places evacuated by the Russians have been occupied by Turkish troops.

I am, &c.,

HORACE MAYNARD.

[Inclosure in No. 276.—Translation.]

*The Treaty of Berlin.*

In the name of Almighty God.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, His Majesty the Emperor of Germany, King of Prussia, His Majesty the Emperor of Austria, King of Bohemia, &c., and King Apostolic of Hungary, the President of the French Republic, His Majesty the King of Italy, His Majesty the Emperor of all the Russias, and His Majesty the Emperor of the Ottomans, being desirous to regulate, with a view to European order, conformably to the stipulations of the Treaty of Paris of 30th March, 1856, the question raised in the East by the events of late years, and by the war terminated by the preliminary Treaty of San Stefano, have been unanimously of opinion that the meeting of a Congress would offer the best means of facilitating an understanding.

Their said Majesties and the President of the French Republic have, in consequence, appointed as their Plenipotentiaries, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, the Right Honourable Benjamin Disraeli, Earl of Beaconsfield, Viscount Hughenden, a Peer of Parliament, Member of Her Majesty's Most Honourable Privy Council, First Lord of Her Majesty's Treasury, and Prime Minister of England; the Most Honourable Robert Arthur Talbot Gascoyne Cecil, Marquis of Salisbury, Earl of Salisbury, Viscount Cranborne, Baron Cecil, a Peer of Parliament, Member of Her Majesty's Most Honourable Privy Council, Her Majesty's Principal Secretary of State for Foreign Affairs; and the Right Honourable Lord Odo William Leopold Russell, Member of Her Majesty's Privy Council, Her Ambassador Extraordinary and Plenipotentiary at the Court of His Majesty the Emperor of Germany, King of Prussia;

His Majesty the Emperor of Germany, King of Prussia, Otho, Prince Bismarck, His President of the Council of Ministers of Prussia, Chancellor of the Empire; Bernard Ernest de Billow, His Minister of State and Secretary of State for Foreign Affairs; and Chlodwig Charles Victor, Prince of Hohenlohe-Schillingsfürst, Prince of Ratibor and Corvey, His Ambassador Extraordinary and Plenipotentiary to the French Republic, Great Chamberlain of the Crown of Bavaria;

His Majesty the Emperor of Austria, King of Bohemia, &c., and King Apostolic of Hungary, Jules, Count Andrássy of Csik Szent-Kiraly and Krasna-Horka, Grandee of Spain of the First Class, Privy Councillor, His Minister of the Imperial Household and for Foreign Affairs, Lieutenant Field-Marshal in his armies; Louis Count Károlyi of Nagy-Károlyi, Chamberlain and Privy Councillor, His Ambassador Extraordinary and Plenipotentiary at the Court of His Majesty the Emperor of Germany, King of Prussia; and Henri, Baron de Haymerle, Privy Councillor, His Ambassador Extraordinary and Plenipotentiary at the Court of His Majesty the King of Italy;

The President of the French Republic, William Henri Waddington, Senator, Member of the Institute, Minister Secretary of State for Foreign Affairs; Charles Raymond de la Croix de Chevière, Count de Saint-Vallier, Senator, Ambassador Extraordinary and Plenipotentiary from France at the Court of His Majesty the Emperor of Germany, King of Prussia; and Félix Hippolyte Desprez, Councillor of State, Minister Plenipotentiary of the First Class, charged with the direction of Political Affairs at the Department of Foreign Affairs;

His Majesty the King of Italy, Louis, Count Corti, Senator, His Minister for Foreign Affairs; and Edward, Count de Launay, His Ambassador Extraordinary and Plenipotentiary at the Court of His Majesty the Emperor of Germany, King of Prussia;

His Majesty the Emperor of all the Russias, Alexander, Prince Gortchukov, His Chancellor of the Empire; Peter, Count de Schouvaloff, General of Cavalry, his Aide-de-camp General, Member of the Council of the Empire, and His Ambassador Extraordinary and Plenipotentiary at the Court of Her Britannic Majesty; and Paul d'Oubril, Privy Councillor, his Ambassador Extraordinary and Plenipotentiary at the Court of His Majesty the Emperor of Germany, King of Prussia;

And His Majesty the Emperor of the Ottomans, Alexander Carathéodory Paasha, His Minister of Public Works; Mehemed Ali Paasha, Mushir of his Armies; and Sadonillah Bey, his Ambassador Extraordinary and Plenipotentiary at the Court of His Majesty the Emperor of Germany, King of Prussia;

Who, in accordance with the proposal of the Court of Austria-Hungary, and on the invitation of the Court of Germany, have met at Berlin furnished with full powers, which have been found in good and due form.

An understanding having been happily established between them, they have agreed to the following stipulations:

#### ARTICLE I.

Bulgaria is constituted an autonomous and tributary Principality under the suzerainty of His Imperial Majesty the Sultan; it will have a Christian Government and a national militia.

#### ARTICLE II.

The Principality of Bulgaria will include the following territories:

The frontier follows on the north the right bank of the Danube from the former frontier of Servia up to a point to be determined by a European Commission to the east of Silistria, and thence runs to the Black Sea to the south of Mangalia, which is included in Roumanian territory. The Black Sea forms the eastern boundary of Bulgaria. On the south the frontier follows upward from its mouth the mid-channel of the brook near which are situated the villages of Hodzakiöj, Selam-Küj, Aivadsik, Kulibe, Sudzüluk; crosses obliquely the valley of the Deli-Kameik, passes south of Belibe and Kemhalik and north of Hadzimabale after having crossed the Deli Kamzik at 24 kilom. above Cengei; reaches the crest at a point situated between Tekenlik and Aidos-Bredza, and follows it by Karnabad Balkan, Prisevica Balkan, Kazan Balkan to the north of Kotel as far as Demir Kapu. It proceeds by the principal chain of the Great Balkan, the whole length of which it follows up to the summit of Kosica.

There it leaves the crest of the Balkan, descends southwards between the villages of Pirtop and Duzanci, the one being left to Bulgaria and the other to Eastern Roumelia, as far as the brook of Tuzlu Dere, follows that stream to its junction with the Topolnica, then the latter river until it meets the Smovskio Dere near the village of Petricovo, leaving to Eastern Roumelia a zone with a radius of 2 kilom. above that junction, ascends between the brooks of Smovskio Dere and the Kamenica, following the line of the watershed so as to turn to the southwest at the level of Voinjak and reach directly the point 875 of the Austrian Staff map.

The frontier line cuts at right angles the upper basin of the brook of Ichtiman Dere, passes between Bogdina and Karaüla, so as to rejoin the line of the watershed separating the basins of the Isker and the Marica, between Camurli and Hadzilar, follows

that line by the summits of Velina Mogila, the "col" 531, Zmailica Vrh, Sumnatica, and rejoins the administrative boundary of the Sandjak of Sofia between Sivri Tas and Cadir Tepe.

From Cadir Tepe, the frontier, taking a southwesterly direction, follows the watershed between the basins of the Mesta Karasu on the one side and the Struma Karasu on the other, runs along the crests of the mountains of Rhodope called Demir Kapu, Iskoftepe, Kadinesar Balkan, and Aiji Gedük up to Kupetnik Balkan, and thus joins the former administrative frontier of the Sandjak of Sofia.

From Kapetnik Balkan and the frontier is indicated by the watershed between the valleys of the Rilska reka and of the Bistrica reka, and follows the ridge called Vodenica Planina, descending into the valley of the Struma at the junction of this river with the Rilska reka, leaving the village of Barakli to Turkey. It ascends then south of the village of Jelesnica, and reaches by the shortest line the chain of Golema Planina at the summit of Gitka, and rejoins there the former administrative frontier of the Sandjak of Sofia, leaving, however, to Turkey the whole of the basin of the Suha reka.

From Mount Gitka the western frontier goes towards Mount Crni Vrh by the mountains of Karvena Jabuka, following the former administrative limit of the Sandjak of Sofia in the upper part of the basins of Egrisu and of the Lepnica, ascends with it the crests of Babina Polana, and reaches Mount Crni Vrh.

From Mount Crni Vrh the frontier follows the watershed between the Struma and the Morava by the summits of the Strešer, Vilogolo, and Mešid Planina, rejoins by the Gračina, Crana Trava, Darkovska, and Drainica Plan, then the Deščani Kladanec, the watershed of the High Sukowa and of the Morava, goes straight to the Stol, and descends from it so as to cut the road from Sofia to Pirov, 1,000 metres northwest of the village of Segusa. It ascends in a straight line the Vidlic Planina, and thence Mount Radocina in the chain of the Kodža Balkan, leaving to Servia the village of Doinkinci, and to Bulgaria that of Senakos.

From the summit of Mount Radocina the frontier follows towards the west the crest of the Balkans by Ciprovac Balkan and Stara Planina up to the former eastern frontier of the Principality of Servia, near to the Kula Smiljova Čuka, and thence that former frontier as far as the Danube, which it rejoins at Rakovitzza.

This delimitation shall be fixed on the spot by the European Commission, on which the signatory powers shall be represented. It is understood—

1. That this Commission will take into consideration the necessity for His Imperial Majesty the Sultan to be able to defend the Balkan frontiers of Eastern Roumelia.

2. That no fortifications may be erected within a radius of 10 kilom. from Samakow.

### ARTICLE III.

The Prince of Bulgaria shall be freely elected by the population and confirmed by the Sublime Porte, with the assent of the Powers. No member of the Reigning Dynasties of the Great European Powers may be elected Prince of Bulgaria.

In case of a vacancy in the princely dignity, the election of the new Prince shall take place under the same conditions and with the same forms.

### ARTICLE IV.

An Assembly of Notables of Bulgaria, convoked at Tirnovo, shall, before the election of the Prince, draw up the Organic Law of the Principality.

In the districts where Bulgarians are intermixed with Turkish, Roumanian, Greek, or other populations, the rights and interests of these populations shall be taken into consideration as regards the elections and the drawing up of the Organic Law.

### ARTICLE V.

The following points shall form the basis of the public law of Bulgaria:

The difference of religious creeds and confessions shall not be alleged against any person as a ground for exclusion or incapacity in matters relating to the enjoyment of civil and political rights, admission to public employments, functions, and honours, or the exercise of the various professions and industries in any locality whatsoever.

The freedom and outward exercise of all forms of worship are assured to all persons belonging to Bulgaria, as well as to foreigners, and no hindrance shall be offered either to the hierarchical organization of the different communions, or to their relations with their spiritual chiefs.

### ARTICLE VI.

The provisional administration of Bulgaria shall be under the direction of an Imperial Russian Commissary until the completion of the Organic Law. An Imperial

Turkish Commissary, as well as the Consuls delegated *ad hoc* by the other Powers, signatory of the present Treaty, shall be called to assist him so as to control the working of this provisional régime. In case of disagreement amongst the Consular Delegates, the vote of the majority shall be accepted, and in case of divergence between the majority and the Imperial Russian Commissary or the Imperial Turkish Commissary, the Representatives of the Signatory Powers at Constantinople, assembled in Conference, shall give their decision.

#### ARTICLE VII.

The provisional régime shall not be prolonged beyond a period of nine months from the exchange of the ratifications of the present Treaty.

When the Organic Law is completed the election of the Prince of Bulgaria shall be proceeded with immediately. As soon as the Prince shall have been installed, the new organization shall be put into force, and the Principality shall enter into the full enjoyment of its autonomy.

#### ARTICLE VIII.

The Treaties of Commerce and of Navigation as well as all the Conventions and arrangements concluded between Foreign Powers and the Porte, and now in force, are maintained in the Principality of Bulgaria, and no change shall be made in them with regard to any Power without its previous consent.

No transit duties shall be levied in Bulgaria on goods passing through that Principality.

The subjects and citizens and commerce of all the Powers shall be treated in the Principality on a footing of strict equality.

The immunities and privileges of foreigners, as well as the rights of Consular jurisdiction and protection as established by the Capitulations and usages, shall remain in full force so long as they shall not have been modified with the consent of the parties concerned.

#### ARTICLE IX.

The amount of the annual tribute which the Principality of Bulgaria shall pay to the Suzerain Court—such amount being paid into whatever bank the Porte may hereafter designate—shall be fixed by an agreement between the Powers Signatory of the present Treaty at the close of the first year of the working of the new organization. This tribute shall be calculated on the mean revenue of the territory of the Principality.

As Bulgaria is to bear a portion of the public debt of the Empire, when the Powers fix the tribute they shall take into consideration what portion of that debt can, on the basis of a fair proportion, be assigned to the Principality.

#### ARTICLE X.

Bulgaria takes the place of the Imperial Ottoman Government in its undertakings and obligations towards the Rustchuk-Varna Railway Company, dating from the exchange of the ratifications of the present Treaty. The settlement of the previous accounts is reserved for an understanding between the Sublime Porte, the Government of the Principality, and the administration of this Company.

The Principality of Bulgaria, likewise, so far as it is concerned, takes the place of the Sublime Porte in the engagements which the latter has contracted, as well towards Austria-Hungary as towards the Company, for working the railways of European Turkey in respect to the completion and connection, as well as the working of the railways situated in its territory.

The Conventions necessary for the settlement of these questions shall be concluded between Austria-Hungary, the Porte, Servia, and the Principality of Bulgaria immediately after the conclusion of peace.

#### ARTICLE XI.

The Ottoman army shall no longer remain in Bulgaria; all the old fortresses shall be razed at the expense of the Principality within one year or sooner if possible; the local government shall immediately take steps for their demolition, and shall not construct fresh ones.

The Sublime Porte shall have the right of disposing as it likes of the war material and other effects belonging to the Ottoman Government which may have remained in the fortresses of the Danube already evacuated in virtue of the Armistice of the 31st January, as well as of those in the strongholds of Shumla and Varna.

ARTICLE XII.

Musulman proprietors or others who may take up their abode outside the Principality may continue to hold there their real property, by farming it out, or having it administered by third parties.

A Turco-Bulgarian Commission shall be appointed to settle, within a period of two years, all questions relative to the mode of alienation, working, or use on the account of the Sublime Porte, of property belonging to the State and religious foundations (*vakoufs*), as well as of the questions regarding the interests of private persons engaged therein.

Persons belonging to the Principality of Bulgaria, who shall travel or dwell in the other parts of the Ottoman Empire, shall be subject to the Ottoman authorities and laws.

ARTICLE XIII.

A province is formed south of the Balkans which will take the name of "Eastern Roumelia," and will remain under the direct political and military authority of His Imperial Majesty the Sultan, under conditions of administrative autonomy. It shall have a Christian Governor-General.

ARTICLE XIV.

Eastern Roumelia is bounded on the north and north-west by Bulgaria, and comprises the territories included by the following line:—

Starting from the Black Sea the frontier follows upwards from its mouth the mid-channel of the brook near which are situated the villages of Hodžakiöj, Selam-Kiöj, Aivadsik, Kulibe, Sudzuluk, crosses obliquely the valley of the Deli Kamčik, passes south of Belibe and Kemhalik, and north of Hadžimahale, after having crossed the Deli-Kamčik at 2½ kilom. above Cengei; reaches the crest at a point situated between Tekenlik and Aidos-Bredza, and follows it by Karnabad Balkan, Priševica Balkan, Kazan Balkan to the North of Kotel as far as Demir Kapu. It proceeds by the principal chain of the Great Balkan, the whole length of which it follows up to the summit of Kosica.

At this point the western frontier of Roumelia leaves the crest of the Balkan, descends southwards between the villages of Pirtop and Duzanci—the one being left to Bulgaria and the other to Eastern Roumelia, as far as the brook of Tuzlu Dere, follows that stream to its junction with the Topolnica, then the latter river until it meets the Smovskio Dere near the village of Petričevu, leaving to Eastern Roumelia a zone with a radius of 2 kilom. above that junction, ascends between the brooks of Smovskio Dere and the Kamenica, following the line of the watershed so as to turn to the south-west at the level of Voinjak and reach directly the point 875 of the Austrian Staff map.

The frontier line cuts at right angles the upper basin of the brook of Ichtiman Dere, passes between Bogdina and Karaula, so as to rejoin the line of the watershed separating the basins of the Isker and the Marica, between Camurli and Hadžilar, follows that line by the summits of Velina Mogila, the "col" 531, Zmailica Vrh, Sumnatica, and rejoins the administrative boundary of the Sandjak of Sofia between Sivri Tas and Čadir Tepe.

The frontier of Roumelia leaves that of Bulgaria at Mount Čadir Tepe, following the line of the watershed between the basins of the Marica and of its affluents on one side, and of the Mesta Karasu and of its affluents on the other, and takes the direction southeast and then south along the crest of the Despoto Daglı Mountains, towards Mount Kruschowa (whence starts the frontier line of the Treaty of San Stefano).

From Mount Kruschowa the frontier is the same as the line laid down by the Treaty of San Stefano, that is to say, the chain of the Black Balkans (Kara Balkan), the mountains Kulaghy-Daglı, Eschek-Tschepellit, Karakolas, and Ischiklar, from whence it descends due south-east till it reaches the River Arda, and follows the mid-channel of this river up to a point close to the village of Adacali, which remains to Turkey.

From this point the frontier line ascends the crest of the Boštepe-Daglı, which it follows, then descends and crosses the Maritza, at a point situated 5 kilom. above the bridge of Mustafa Pasha; thence it takes a northerly direction by the line of the watershed between Demirhanlı Dere and the small affluent of the Maritza to Küdeler Baır, whence it runs east to Sakar Baır; from this point it crosses the valley of the Tundža in the direction of Biljtk Derbend, which is left to the north, as also is Soudzak. From Biljtk Derbend it regains the line of the watershed between the affluents of the Tundža on the north and those of the Maritza on the south, up to the level of Kaibilar, which is included in Eastern Roumelia, and passes to the south of V. Almasi between the basin of Maritza to the south and the various streams which flow straight into the



Black Sea, between the villages of Belevrin and Alatli; it follows to the north of Karanlik the crests of Vosna and Zuvak, the line which separates the waters of the Duka and those of the Karagač-Su, and rejoins the Black Sea between those two rivers.

#### ARTICLE XV.

His Majesty the Sultan shall have the right of providing for the defence of the land and sea frontiers of the province by erecting fortifications on those frontiers, and maintaining troops there.

Internal order is maintained in Eastern Roumelia by a native gendarmerie assisted by a local militia.

In forming these corps, the officers of which are nominated by the Sultan, regard shall be paid in the different localities to the religion of the inhabitants.

His Imperial Majesty the Sultan undertakes not to employ irregular troops, such as Bashi-Bazouks and Circassians, in the garrisons of the frontiers. The regular troops detailed for this service must not in any case be billeted on the inhabitants. When they pass through the province they shall not make a stay there.

#### ARTICLE XVI.

The Governor-General shall have the right of summoning the Ottoman troops in the event of the internal or external security of the province being threatened. In such an eventuality the Sublime Porte shall inform the Representatives of the Powers at Constantinople of such a decision, as well as of the exigencies which justify it.

#### ARTICLE XVII.

The Governor-General of Eastern Roumelia shall be nominated by the Sublime Porte, with the assent of the Powers, for a term of five years.

#### ARTICLE XVIII.

Immediately after the exchange of the ratifications of the present Treaty, a European Commission shall be formed to arrange, in concert with the Ottoman Porte, the organization of Eastern Roumelia. This Commission will have to determine, within three months, the powers and functions of the Governor-General, as well as the administrative, judicial, and financial system of the province, taking as its basis the various laws for vilayets and the proposals made in the eighth sitting of the Conference of Constantinople.

The whole of the arrangements determined on for Eastern Roumelia shall form the subject of an Imperial Firman, which will be issued by the Sublime Porte, and which it will communicate to the Powers.

#### ARTICLE XIX.

The European Commission shall be charged to administer, in concert with the Sublime Porte, the finances of the province until the completion of the new organization.

#### ARTICLE XX.

The Treaties, Conventions, and international arrangements of any kind whatsoever, concluded or to be concluded between the Porte and foreign Powers, shall apply in Eastern Roumelia as in the whole Ottoman Empire. The immunities and privileges acquired by foreigners, whatever their status, shall be respected in this province. The Sublime Porte undertakes to enforce there the general laws of the Empire on religious liberty in favour of all forms of worship.

#### ARTICLE XXI.

The rights and obligations of the Sublime Porte with regard to the railways of Eastern Roumelia are maintained in their integrity.

#### ARTICLE XXII.

The strength of the Russian corps of occupation in Bulgaria and Eastern Roumelia, which shall be composed of six divisions of infantry and two divisions of cavalry, shall not exceed 50,000 men. It shall be maintained at the expense of the country

occupied. The army of occupation will preserve its communications with Russia not only through Roumania, in accordance with arrangements to be concluded between the two States, but also through the ports of the Black Sea, Varna and Bourgas, where it may, during the period of occupation, organize the necessary depôts.

The period of the occupation of Eastern Roumelia and Bulgaria by the Imperial Russian troops is fixed at nine months from the date of the exchange of the ratifications of the present Treaty.

The Imperial Russian Government undertakes that within a further period of three months the passage of its troops across Roumania shall cease, and that Principality shall be completely evacuated.

#### ARTICLE XXIII.

The Sublime Porte undertakes scrupulously to apply in the Island of Crete the Organic Law of 1868, with such modifications as may be considered equitable.

Similar laws adapted to local requirements, excepting as regards the exemption from taxation granted to Crete, shall also be introduced into the other parts of Turkey in Europe for which no special organization has been provided by the present Treaty.

The Sublime Porte shall depute special Commissions, in which the native element shall be largely represented, to settle the details of the new laws in each province.

The schemes of organization resulting from these labours shall be submitted for examination to the Sublime Porte, which, before promulgating the Acts for putting them into force, shall consult the European Commission instituted for Eastern Roumelia.

#### ARTICLE XXIV.

In the event of the Sublime Porte and Greece being unable to agree upon the rectification of frontier suggested in the 13th Protocol of the Congress of Berlin, Germany, Austria-Hungary, France, Great Britain, Italy, and Russia reserve to themselves to offer their mediation to the two parties to facilitate negotiations.

#### ARTICLE XXV.

The Provinces of Bosnia and Herzegovina shall be occupied and administered by Austria-Hungary. The Government of Austria-Hungary, not desiring to undertake the administration of the Sandjak of Novi-Bazar, which extends between Servia and Montenegro in a south-easterly direction to the other side of Mitrovitz, the Ottoman Administration will continue to exercise its functions there. Nevertheless, in order to assure the maintenance of the new political state of affairs, as well as freedom and security of communications, Austria-Hungary reserves the right of keeping garrisons and having military and commercial roads in the whole of this part of the ancient Vilayet of Bosnia. To this end the Governments of Austria-Hungary and Turkey reserve to themselves to come to an understanding on the details.

#### ARTICLE XXVI.

The independence of Montenegro is recognized by the Sublime Porte and by all those of the High Contracting Parties who had not hitherto admitted it.

#### ARTICLE XXVII.

The High Contracting parties are agreed on the following conditions:

In Montenegro the difference of religious creeds and confessions shall not be alleged against any person as a ground for exclusion or incapacity in matters relating to the enjoyment of civil and political rights, admission to public employments, functions, and honours, or the exercise of the various professions and industries in any locality whatsoever.

The freedom and outward exercise of all forms of worship shall be assured to all persons belonging to Montenegro, as well as to foreigners, and no hindrance shall be offered either to the hierarchical organization of the different communions, or to their relations with their spiritual chiefs.

#### ARTICLE XXVIII.

The new frontiers of Montenegro are fixed as follows:

Starting at Ilino-brdo to the north of Klobuk, the line descends to the Trebinjčica towards Grančarevo, which remains to Herzegovina, then ascends the course of that river up to a point 1 kilom. below its confluence with the Čepelica, and from thence passes by the most direct line on to the heights which border the River Trebinjčica.

It then proceeds in the direction of Pilatova, leaving that village to Montenegro, and continues along the heights in a northerly direction, maintaining as far as possible a distance of 6 kilom. from the Bijek-Korito-Gacko road, up to the "col" between the Somina Planina and Mount Čurilo, whence it proceeds in an easterly direction by Vratkovići, leaving this village to Herzegovina, up to Mount Orline. Starting from this point the frontier, leaving Ravno to Montenegro, goes straight to the north-northeast, crossing the summits of the Lebersnik and of the Volnjak, then descends by the shortest line on to the River Piva, which it crosses, and rejoins the River Tara, passing between Crkvice and Nedvina. From this point it ascends the Tara to Mojkovac, from which place it passes along the crest of the ridge as far as Šiškojezero. Leaving this point it coincides with the former frontier as far as the village of Sekulare. From there the new frontier passes along the crests of the Mokra Planina, the village of Mokra remaining to Montenegro; it then reaches the point 2,166 on the Austrian Staff Map, following the principal chain and the line of the watershed between the Lim on the one side, and the Drin as well as the Cievna (Zem) on the other.

It then coincides with the existing boundaries between the tribe of the Kuči-Drekalovići on one side, and the Kučka-Krajna, as well as the tribes of the Klementi and Grudi, on the other, to the plain of Podgorica, from whence it proceeds towards Plavnica, leaving the Klementi, Grudi, and Hoti tribes to Albania.

Thence the new frontier crosses the lake near the Islet of Gorica-Topal, and, from Gorica-Topal, takes a straight line to the top of the crest, whence it follows the watershed between Megurud and Kalimed, leaving Mrković to Montenegro, and reaching the Adriatic at V. Kući.

On the northwest the frontier will be formed by a line passing from the coast between the villages of Sušana and Zubči, and terminating at the extreme southeast point of the existing frontier of Montenegro on the Vrsuta Planina.

#### ARTICLE XXIX.

Antivari and its sea-board are annexed to Montenegro under the following conditions: The districts situated to the south of that territory, in accordance with the delimitation above laid down, as far as the Boyana, including Dulcinjo, shall be restored to Turkey.

The Commune of Spiča, as far as the southernmost point of the territory indicated in the detailed description of the frontiers, shall be incorporated with Dalmatia.

Montenegro shall have full and complete freedom of navigation on the Boyana. No fortifications shall be constructed on the course of that river except such as may be necessary for the local defence of the stronghold of Scutari, and they shall not extend beyond a distance of 6 kilom. from that town.

Montenegro shall have neither ships of war nor flag of war.

The port of Antivari and all the waters of Montenegro shall remain closed to the ships of war of all nations.

The fortifications situated on Montenegrin territory between the lake and the coast shall be razed, and none shall be rebuilt within this zone.

The administration of the maritime and sanitary police, both at Antivari and along the coast of Montenegro, shall be carried out by Austria-Hungary by means of light coast-guard boats.

Montenegro shall adopt the maritime code in force in Dalmatia. On her side Austria-Hungary undertakes to grant consular protection to the Montenegrin merchant flag.

Montenegro shall come to an understanding with Austria-Hungary on the right to construct and keep up across the new Montenegrin territory a road and a railway.

Absolute freedom of communication shall be guaranteed on these roads.

#### ARTICLE XXX.

Mussulmans or others possessing property in the territories annexed to Montenegro, who may wish to take up their residence outside the Principality, can retain their real property either by farming it out, or by having it administered by third parties.

No one shall be liable to be expropriated otherwise than by legal process for the public welfare, and with a previous indemnity.

A Turco-Montenegrin Commission shall be appointed to settle, within a period of three years, all questions relative to the mode of alienation, working, or use, on the account of the Sublime Porte, of property belonging to the state and religious foundations (Vakoufs), as well as of the questions regarding the interests of private parties engaged therein.

#### ARTICLE XXXI.

The Principality of Montenegro shall come to a direct understanding with the Ottoman Porte with regard to the establishment of Montenegrin agents at Constantinople,

and at certain places in the Ottoman Empire where the necessity for them shall be admitted.

Montenegrins travelling or residing in the Ottoman Empire shall be subject to the Ottoman laws and authorities, according to the general principles of international law, and the customs established with regard to Montenegrins.

ARTICLE XXXII.

The Montenegrin troops shall be bound to evacuate within twenty days from the date of the ratification of the present treaty, or sooner, if possible, the territory that they occupy at present beyond the new limits of the Principality.

The Ottoman troops shall evacuate the territories ceded to Montenegro within the same period of twenty days. A supplementary period of fifteen days shall, however, be granted to them, as well for evacuating the fortresses and withdrawing the stores and material of war from them, as for drawing up inventories of the implements and articles which cannot be immediately removed.

ARTICLE XXXIII.

As Montenegro is to bear a portion of the Ottoman public debt for the new territories assigned to her by the Treaty of Peace, the Representatives of the Powers at Constantinople shall determine the amount of the same in concert with the Sublime Porte on an equitable basis.

ARTICLE XXXIV.

The High Contracting Parties recognize the independence of the Principality of Serbia, subject to the conditions set forth in the following Article.

ARTICLE XXXV.

In Serbia the difference of religious creeds and confessions shall not be alleged against any person as a ground for exclusion or incapacity in matters relating to the enjoyment of civil and political rights, admission to public employments, functions, and honours, or the exercise of the various professions and industries, in any locality whatsoever.

The freedom and outward exercise of all forms of worship shall be assured to all persons belonging to Serbia, as well as to foreigners, and no hindrance shall be offered either to the hierarchical organization of the different communions, or to their relations with their spiritual chiefs.

ARTICLE XXXVI.

Servia receives the territories included in the following delimitation:

The new frontier follows the existing line ascending the mid-channel of the Drina from its confluence with the Save, leaving Mali Zvornik and Sakhar to the Principality, and continues to follow the former boundary of Servia as far as the Kopaonik, leaving it at the summit of the Kanilug. From that point it follows at first the western boundary of the Sandjak of Nisch by the southern spur of the Kopaonik, by the crests of the Marica and Mrdar Planina, which form the watershed between the basins of the Ibar and Sitnica on one side, and that of the Toplica on the other, leaving Prepohe to Turkey.

It then turns to the south by the watershed between the Brvenica and the Medvedja, leaving the whole of the basin of the Medvedja to Servia; follows the crests of the Goljak Planina (which forms the watershed between the Kriva-Rjeka on one side and the Poljanica, Vaternica, and Morawa on the other), as far as the summit of the Poljanica. It then follows the spur of the Karpina Planina as far as the confluence of the Koinaska and the Morawa, crosses this river, and ascends by the watershed between the Koinaska brook and the stream which falls into the Morawa near Neradovce, to reach the Sv. Ilija Planina above Trgovište. Thence it follows the crest of the Sv. Ilija as far as Mount Kljuc, and passing by the points marked 1516 and 1547 on the map, and by the Babina Gora, it reaches Mount Crni-Vrh.

From Mount Crni Vrh, the new delimitation coincides with that of Bulgaria, that is to say:

The line of frontier follows the watershed between the Struma and the Morava by the summits of Strešer, Vilogolo, and Mešid Planina, rejoins by the Gačina, Crna Trava, Darkovska, and Drainica Plan, then the Deščani Kladanec, the watershed of the High Sukowa and of the Morava, goes straight to the Stol, and descends from it so as to cut the road from Sofia to Pirot 1,000 metres northwest of the village of

Seguša. It ascends in a straight line the Vidlič Planina, and thence Mount Radočina in the chain of the Kodža Balkan, leaving to Servia the village of Doikinci, and to Bulgaria that of Senakos.

From the summit of Mount Radočina the frontier follows towards the northwest the crest of the Balkans by Ciprovec Balkan and Stara Planina up to the former eastern frontier of the Principality of Servia, near to the Kula Smiljova čuka, and thence that former frontier as far as the Danube, which it joins at Rakovitz.

#### ARTICLE XXXVII.

Until the conclusion of fresh arrangements no change shall be made in Servia in the actual conditions of the commercial intercourse of the Principality with foreign countries.

No transit duties shall be levied on goods passing through Servia.

The immunities and privileges of foreign subjects, as well as the rights of Consular jurisdiction and protection, as at present existing, shall remain in full force so long as they shall not have been modified by mutual consent between the Principality and the Powers concerned.

#### ARTICLE XXXVIII.

The Principality of Servia takes the place, so far as it is concerned, of the Sublime Porte in the engagements which the latter has contracted as well towards Austria-Hungary as towards the Company for the working of the railways of Turkey in Europe, in respect to the completion and connection, as well as the working of the railways to be constructed on the territory newly acquired by the Principality.

The Conventions necessary for settling these questions shall be concluded, immediately after the signature of the present Treaty, between Austria-Hungary, the Porte, Servia, and, within the limits of its competency, the Principality of Bulgaria.

#### ARTICLE XXXIX.

Mussulmans possessing property in the territories annexed to Servia, who may wish to reside outside the Principality, may retain their real property, either by farming it out or by having it administered by third parties.

A Turco-Servian Commission shall be appointed to settle, within a period of three years, all questions relative to the mode of alienation, working, or use, on the account of the Sublime Porte, of the property belonging to the State and religious foundations (Vakoufs), as well as of the questions regarding the interests of private persons engaged therein.

#### ARTICLE XL.

Until the conclusion of a treaty between Turkey and Servia, Servian subjects travelling or residing in the Ottoman Empire shall be treated according to the general principles of international law.

#### ARTICLE XLI.

The Servian troops shall be bound to evacuate within fifteen days from the exchange of the ratifications of the present treaty the territory not comprised within the new limits of the Principality.

The Ottoman troops shall evacuate the territories ceded to Servia within the same term of fifteen days. A supplementary term of an equal number of days shall, however, be granted to them as well for evacuating the fortresses and withdrawing the provisions and material of war as for drawing up the inventory of the implements and objects which cannot be removed at once.

#### ARTICLE XLII.

As Servia is to bear a portion of the Ottoman Public Debt for the new territories assigned to her by the present Treaty, the Representatives at Constantinople shall fix the amount of it in concert with the Sublime Porte on an equitable basis.

#### ARTICLE XLIII.

The High Contracting Parties recognize the independence of Roumania, subject to the conditions set forth in the two following Articles.

ARTICLE XLIV.

In Roumania the difference of religious creeds and confessions shall not be alleged against any person as a ground for exclusion or incapacity in matters relating to the enjoyment of civil and political rights, admission to public employments, functions, and honors, or the exercise of the various professions and industries in any locality whatsoever.

The freedom and outward exercise of all forms of worship shall be assured to all persons belonging to the Roumanian State, as well as to foreigners, and no hindrance shall be offered either to the hierarchical organization of the different communions, or to their relations with their spiritual chiefs.

The subjects and citizens of all the Powers, traders or others, shall be treated in Roumania, without distinction of creed, on a footing of perfect equality.

ARTICLE XLV.

The Principality of Roumania restores to His Majesty the Emperor of Russia that portion of the Bessarabian territory detached from Russia by the Treaty of Paris of 1856, bounded on the west by the mid-channel of the Pruth, and on the south by the mid-channel of the Kilia Branch and the Stry-Stamboul mouth.

ARTICLE XLVI.

The islands forming the Delta of the Danube, as well as the Isle of Serpents, the Sandjak of Toultscha, comprising the districts (casas) of Kilia, Soulina Mahmoudié, Isaktcha, Toultscha, Matchin, Babadagh, Hirsovo, Kustendje, Medjidié, are added to Roumania. The Principality receives in addition the territory situated to the south of the Dobroutcha as far as a line starting from the east of Silistria and terminating on the Black Sea, south of Mangalia.

The frontier line shall be determined on the spot by the European Commission appointed for the delimitation of Bulgaria.

ARTICLE XLVII.

The question of the division of the waters and the fisheries shall be submitted to the arbitration of the European Commission of the Danube.

ARTICLE XLVIII.

No transit duties shall be levied in Roumania on goods passing through the Principality.

ARTICLE XLIX.

Roumania shall have power to make Conventions to determine the privileges and attributes of Consuls in regard to protection within the Principality. Existing rights shall remain in force so long as they shall not have been modified by the mutual consent of the Principality and the parties concerned.

ARTICLE L.

Until the conclusion of a Treaty between Turkey and Roumania, fixing the privileges and attributes of Consuls, Roumanian subjects travelling or residing in the Ottoman Empire, and Ottoman subjects travelling or residing in Roumania, shall enjoy the rights guaranteed to the subjects of other European Powers.

ARTICLE LI.

With regard to public works and other enterprises of a like nature, Roumania shall be substituted for the Sublime Porte as regards its rights and obligations throughout the ceded territory.

ARTICLE LII.

In order to increase the guarantees which assure the freedom of navigation on the Danube which is recognized as of European interest, the High Contracting Parties determine that all the fortresses and fortifications existing on the course of the river from the Iron Gates to its mouths shall be razed, and no new ones erected. No vessel of war shall navigate the Danube below the Iron Gates with the exception of vessels of light tonnage in the service of the river police and customs. The "stationnaires" of the powers at the mouths of the Danube may, however, ascend the river as far as Galatz.

## ARTICLE LIII.

The European Commission of the Danube, on which Roumania shall be represented, is maintained in its functions, and shall exercise them henceforth as far as Galatz in complete independence of the territorial authorities. All the treaties, arrangements, acts, and decisions relating to its rights, privileges, prerogatives, and obligations are confirmed.

## ARTICLE LIV.

One year before the expiration of the term assigned for the duration of the European Commission the Powers shall come to an understanding as to the prolongation of its powers, or the modifications which they may consider necessary to introduce.

## ARTICLE LV.

The regulations respecting navigation, river police, and supervision from the Iron Gates to Galatz shall be drawn up by the European Commission, assisted by Delegates of the Riverain States, and placed in harmony with those which have been or may be issued for the portion of the river below Galatz.

## ARTICLE LVI.

The European Commission of the Danube shall come to an arrangement with the proper authorities to ensure the maintenance of the lighthouse on the Isle of Serpenta.

## ARTICLE LVII.

The execution of the works which have for their object the removal of the obstacles which the Iron Gates and the Cataracts place in the way of navigation is entrusted to Austria-Hungary. The Riverain States on this part of the river shall afford every facility which may be required in the interest of the works.

The provisions of the VIth Article of the Treaty of London of the 13th March, 1871, relating to the right of levying a provisional tax in order to cover the cost of these works, are maintained in favour of Austria-Hungary.

## ARTICLE LVIII.

The Sublime Porte cedes to the Russian Empire in Asia the territories of Ardahan, Kars, and Batoum, together with the latter port, as well as all the territories comprised between the former Russo-Turkish frontier and the following line:—

The new frontier starting from the Black Sea, and coinciding with the line laid down by the Treaty of San Stefano as far as a point to the northwest of Khorda, and to the south of Artwin, continues in a straight line as far as the River Tchoukhouk, crosses this river and passes to the east of Aschmichen, going in a straight line to the south so as to rejoin the Russian frontier indicated in the Treaty of San Stefano, at a point to the south of Nariman, leaving the town of Olti to Russia. From the point indicated near Nariman the frontier turns to the east, passes by Tebrenek, which remains to Russia, and continues as far as the Pennek Tchai.

It follows this river as far as Bardouz, then turns towards the south, leaving Bardouz and Jönikiy to Russia. From a point to the west of the village of Karaougan, the frontier takes the direction of Medjingert, continues in a straight line towards the summit of the Mountain Kassadagh, and follows the line of the watershed between the affluents of the Araxes on the north and those of the Mourad Sou on the south, as far as the former frontier of Russia.

## ARTICLE LIX.

His Majesty the Emperor of Russia declares that it is his intention to constitute Batoum a free port, essentially commercial.

## ARTICLE LX.

The valley of Alaschkerd\* and the town of Bayazid, ceded to Russia by Article XIX of the Treaty of San Stefano, are restored to Turkey.

The Sublime Porte cedes to Persia the town and territory of Khotour, as fixed by the mixed Anglo-Russian Commission for the delimitation of the frontiers of Turkey and of Persia.

\* See Agreement, page 908.

The Sublime Porte undertakes to carry out, without further delay, the improvements and reforms demanded by local requirements in the provinces inhabited by the Armenians, and to guarantee their security against the Circassians and Kurds.

## ARTICLE LXII.

In no part of the Ottoman Empire shall difference of religion be alleged against any person as a ground for exclusion or incapacity as regards the discharge of civil and political rights, admission to the public employments, functions, and honours, or the exercise of the various professions and industries.

The freedom and outward exercise of all forms of worship are assured to all, and no hindrance shall be offered either to the hierarchical organization of the various communions or to their relations with their spiritual chiefs.

The right of official protection by the Diplomatic and Consular Agents of the Powers in Turkey is recognized both as regards the above-mentioned persons and their religious, charitable, and other establishments in the Holy Places and elsewhere.

The monks of Mount Athos, of whatever country they may be natives, shall be maintained in their former possessions and advantages, and shall enjoy, without any exception, complete equality of rights and prerogatives.

The Treaty of Paris of March 30, 1856, as well as the Treaty of London of March 13, 1871, are maintained in all such of their provisions as are not abrogated or modified by the preceding stipulations.

[illegible]

BEACONSFIELD.  
SALISBURY.  
ODO RUSSELL.  
v. BISMARCK.  
BÜLOW.  
HOHENLOHE.  
ANDRÁSSY.  
KÁROLYI.  
HAYMERLE.  
WADDINGTON.  
SAINT-VALLIER.  
H. DESPREZ.  
L. CORTI.  
LAUNAY.  
GORTCHAKOW.  
SCHOUVALOFF.  
P. D'OUBRIL.  
AL. CARATHÉODORY.  
MEHEMED ALI.  
SADOULLAH.



*Procès-Verbal.*

[Translation.]

The Undersigned having met together for the purpose of exchanging the ratifications of the Treaty concluded at Berlin on the 13th July, 1878, the instruments of these ratifications confirming the said Treaty were produced by the Representatives of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, His Majesty the German Emperor, King of Prussia, His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary, His Excellency the President of the French Republic, His Majesty the King of Italy, and His Majesty the Emperor of all the Russias, and having, after examination, been found in good and due form, the exchange thereof took place.

The Ambassador of Turkey, while expressing the regret of the Sublime Porte that the Turkish instruments of ratification could not be despatched in time, announces that he is authorized to declare that His Majesty the Emperor of the Ottomans has likewise ratified the Treaty of the 13th July, 1878, and that he considers the same valid from this day's date.

Sadoullah Bey announces, moreover, that the exchange of the Turkish instruments of ratification will take place within fifteen days.

In witness whereof the Undersigned have drawn up the present *procès-verbal*, to which they have affixed the seals of their arms.

Done at Berlin, the third day of the month of August, one thousand eight hundred and seventy-eight.

[ L. S. ]  
[ L. S. ]  
[ L. S. ]  
[ L. S. ]  
[ L. S. ]  
[ L. S. ]

ODO RUSSELL.  
RADOWITZ.  
MOÛY.  
LAUNAY.  
ARAPOFF.  
SADOULLAH.

---

*Agreement signed by the Marquis of Salisbury and Count Schouvaloff, July 12, 1878.*

[Translation.]

The more detailed tracing of the line of the Alashkerd shall be carried out on the spot, in conformity with the Treaty of Berlin, by a military commission composed of a Russian officer, an Ottoman officer, and an English officer.

(Signed)

SALISBURY.  
SCHOUVALOFF.

BERLIN, July 12, 1878.

---

[Inclosure 2 in No. 276.]

*Account of Mehemet Ali Pasha's death.*

A Salonica letter of the 13th ultimo, published in the Pall Mall Gazette of September 26, gives details of the sad death of Mehemet Ali Pasha, some of which I do not recollect to have yet seen in print.

The news of the untoward fate of the gallant Mehemet Ali and his suite has reached you long ago by telegraph. No coherent statement of the occurrences at Diakovo reached Salonica until to-night (September 13). By this evening's train a brother-in-law of Mehemet Ali, Edhem Bey, and a wounded servant of the same general, arrived from the interior, having narrowly escaped in disguise. I hasten to give you the substance of their verbal report to the governor here, as repeated to me by that official almost immediately after the interview.

When the decision of the congress relative to the cessions to the principalities and the Austrian occupation was made known in Southern Bosnia, the inhabitants—in especial the Ghega Albanians—assembled in large numbers and publicly declared the Porte incapable of guarding their rights. They then took a solemn oath of fraternity for the defense of their country against all aggression or change. This declaration was drawn up in due form, and signed by all who had taken the oath. Foremost among the signers were three leading Albanian chieftains—Abdullah Pasha, Bairam Bey, and Shakyr Bey—men of great influence in the country; indeed, Bairam alone, it is said, could command the services of 5,000 armed adherents. A few weeks ago Mehemet Ali was dispatched on a pacificatory mission to Southern Bosnia and Albania. On reaching Diakovo he had interviews with the Albanians; and, perceiving

their disaffection, he demanded to have his guard re-enforced. Accordingly he received (whence not stated) a battalion—a battalion, however, under nominal strength. The sight of these troops cooled the Albanians; and so Mehemet Ali, retaining two companies as his body-guard, sent the rest into quarters. He succeeded in convincing the three chieftains above named of the uselessness of resistance, and they went over to his side. Reconciliation was sealed by Mehemet Ali taking up his quarters, with his staff and escort, in the *kouak* of Abdullah Pasha, a large house in the middle of the town. But when the Albanians learned the defection of the three chiefs they declared them traitors and prepared to take vengeance on them, a course in which they were abetted by the town population, which includes 16,000 Mussulmans. Although their anger was mainly directed against their own leaders, they had a distinct grudge against Mehemet Ali. During a disturbance at Diakovo, some years back, a Hungarian commander, Mahmoud Pasha, treated the townspeople with great harshness. They believed Mehemet Ali to be also a Hungarian and in league with the Austrians. Moreover, as a foreigner, they threw on him all the odium of the concessions of the Congress.

On Wednesday, September 4, a detachment of Albanians, incited by the townspeople, surrounded the barracks, and, having cut off the water-supply, summoned the troops to surrender. The insurgents promised liberty to the rank and file on condition of their delivering up their officers. The men agreed, and some officers—number not known—were killed; the rest escaped disguised as privates. Meanwhile, 10,000, or, according to Edhem Bey, 12,000, Albanians surrounded the house of Abdullah Pasha, and opened a heavy fire, to which the inmates (including two companies of infantry) replied. This went on for two days. By Friday, however, the little garrison had expended its ammunition, and was reduced in numbers by upwards of sixty persons—namely, several officers, forty soldiers, and twenty servants. In these straits, the remainder of the rank and file laid down their arms and surrendered to the Albanians; some of the officers escaping in the uniform of their men. This was on Friday afternoon. Meanwhile, some of the Albanians had mounted a neighboring minaret, from which they were able to take clear aim into the *selamlık* where Mehemet Ali and his staff were; at the same time they set fire to the opposite (the *haremlık*) end of the house, whence the women had, fortunately, been removed. The well-directed fire from the mosque and the increasing heat and smoke finally drove Mehemet Ali and his companions, about 3 p. m., to take refuge in an adjoining tower. Now, this tower had a separate entrance, unguarded, and the door was decayed. The fire, or the smoke, now spread to the tower and made it untenable, when Mehemet Ali exclaimed, "At least let me have a soldier's death!" and rushing down met the Albanians swarming in. He immediately fell, riddled with bullets. The Albanians did not at once discover all the refugees; but Abdullah Pasha, having been wounded in the leg, was easily secured. They took him to the top of the tower and dashed him down into the street below. As the body fell it was the mark of scores of muskets, and reached the ground frightfully, unrecognizably disfigured. The malcontents now sought out Bairam and Shaky, and put them also to death. Foremost among the assailants were the most trusted adherents of the three chieftains. The Albanians continued to discharge their fire on the dead bodies. That of Mehemet Ali is stated (probably at random) to have received 200 bullets before burial. He was interred the same day. During the whole affair the governor of Diakovo made no attempt to assist the besieged, or even (apparently) to give an alarm to the neighboring districts; although Diakovo is only six hours from Prizrend and nine from Frishtina, the latter a railway as well as telegraph station.

---

[Inclosure 3 in No. 276.]

*Mr. Cole to Mr. Maynard.*

ERZEROU, September 1, 1878.

SIR: I inclose a copy of statements made in a letter to Mr. Layard as to political matters this way. Thinking you might have an interest in hearing of these things, I take the liberty to send this along to you as it is, trusting you will pardon me in this instance for not writing you a separate sheet, especially as there is not time, and I wish to send by this courier.

Though the first page has some reference to our work for the poor, the rest of the letter treats of what, to my mind, is of vital importance for these parts.

We doubt not all foreign representatives are doing all they can to introduce reforms into the Turkish Government; but I assure you it must be by some other visible power as the responsible agent, or I for one can hope for little. It is for this visible, *tangible* exponent that I have appealed, as you will see.

We are happy to report that as Americans we have been, since I wrote you last, treated with the greatest consideration both by Turks and Russians, and have not the

least ground for complaint in these respects; though for the poor downtrodden Christians of Armenia our hearts are in much sadness.

I am, sir,

R. M. COLE.

[Inclosure to inclosure 3 in No. 276.]

*Mr. Cole to Mr. Layard.*

SIR: You will be interested in knowing that the great amount of poverty which has been crowding up to our doors for more than six months past has so far decreased that for the present we are relieved for the most part of this compassionate work. \* \* \* Not to dwell longer on this work for the poor, I beg to call your excellency's attention to another most vital question with reference to this vilayet especially, which has passed for a time under Russian rule. If something is not done at once there will be a perfect stampede of Christians from all these parts to Russian territory. You may wonder why this should be, since your excellency's government has given such strong pledges for future reforms.

But you are probably aware that these interior provinces are steeped in ignorance, there being probably not one in twenty that can read at all, and what can read have not the facilities for getting reliable news, as newspapers, telegrams, &c. But, supposing they had all these facilities even, I should hope for little then, as the past is such a doleful reminder. They know of no way of judging of the future but by the past, and until they can see something besides a Mohammedan head rising up before them for a government, they will not believe nor be persuaded.

The past twenty-five years have been replete with promises of reform, and they regard them as of no more value than the paper on which they are written.

Hitherto we have been able to hold our people in these places, though not a few from other sects have already emigrated; and to me, on the ground, seeing and knowing, as I have opportunity to do, it is no surprise that there should be an uprising on the part of Christians. Can they stand and be smitten down like dogs, see their families subjected to fiendish treatment worse than death?

If I mistake not, my friend Rev. A. M. Barnum, D. D., of Harpoot, has informed Your Excellency as to the direful oppression and misrule in the Geglia region. In view of this I will not take your time in rehearsal, though my heart has been greatly saddened by repeated and full reports of oppression at the hands of such as should constitute a government in that province, but to call your attention to very grave irregularities in the Khanos region to the south, to illustrate what I have said above, respecting the great importance of some visible exponent of actual reform.

This province was, in the early spring, in such a state of anarchy at the hands of the Koords, that most diabolical work was inaugurated, as Your Excellency may be aware.

It is at the present time bordering upon if not already in such a state. My latest advice is that in place of the local government, which seems powerless to restrain them, two Koordish Beys, at the head of some 200 horsemen, are lording it in most heart-rending ways. They take forcible possession of houses, exact impossible things, demand bribes, thrust into prison, devastate homes, violating its sacred honor. And please bear in mind that these, too, are none other than relations of the commander-in-chief of the Turkish forces in Armenia, Ismail Pasha himself.

Can you wonder, then, with such a state of things that people are disheartened and meditate a leap though it be in the dark, as from their poverty must be the case if they rush in crowds to Russia? But, as I have said before, give us the visible sign, a sure voucher for the future, and we might hold them still.

This it is which leads me to take up my pen at the present time. Can you not direct us to some such ground-work on which these timid Christians may rest? What shall be the data? Could you not dispatch some officer of Your Excellency's government at once to give assurance to these scattering ones? I am aware that it is much to expect and may be next to impossible. Still, if nothing more than some irregular agent, under your approval, could come it would help so much. The people must have something tangible, must see with their eyes or they will not believe.

You must agree with me that this uprising population is too valuable to be lost to the country that is to be so intimately connected with Your Excellency's government, and especially if in the transfer untold misery is to be brought upon them.

If we might learn at once by telegraph that a commissioner was dispatched for these parts, it would be one of the most joyful messages that could speed over the wires, and the man would doubtless be received here with all the pomp of an incoming king.

One of our people is just in from the Alashgerd region. Christians there have become oblivious of the harvest, that demands their time and energies, and were turning their whole attention to preparations for leaving for Russia.

There have been provoking causes on the part of Christians that will be likely to lead the Koords to wreak vengeance on them, as they have vowed again and again they shall do. Two of their number were justly killed in self-defense some time since in an attack they instituted themselves on a Christian village in the plain.

In other places poor Christians, so oppressed and down-trodden in the past, have been over-elated at this seeming promotion and have been insolent to Mohammedans, as I can testify from personal observation; and, moreover, the Russians have not hesitated to solicit volunteers to their army and police force from Christians; and from the poverty of the people during these times a goodly number have responded.

Your Excellency must see what is to be feared from such a state of things, if stern law is not administered at once from some *trusty visible* power. The Russians are already beginning to move, and will, from present appearance, evacuate the place altogether in a few weeks at most. While we do not apprehend serious danger in this city, believe me, some of the provinces are bordering on a state of anarchy, and if anything is done it must be done at once.

For the sake of downtrodden Armenia; for the sake of poor humanity that now trembles in the balance; for the sake of that which makes life so desirable to us all—home and the home relations—I beg you to listen to this appeal.

I am, in behalf of Christians in Armenia,

Yours,

R. M. COLE,  
*American missionary.*

[Inclosure 4 in No. 276.]

*Mr. Cole to Mr. Maynard.*

ERZEROUH, September 14, 1878.

SIR: I am waiting with anxiety for a reply to my letter to your excellency and the English ambassador of fourteen days since. All that I anticipated in that letter, and a hundred fold more, is already inaugurated; not only the provinces I referred to but others, and even this plain and city, are up in arms. Yesterday was such a day as we shall not soon forget. The Turks have been most barefaced in their threats toward Christians for some time. For some days they have begun here and there, inside the city and out, to put into execution their threats. Several men were deliberately knocked down in the open market. These were attacked outside of the city, one of them, one of my own employés, and he might soon have been killed but for the interference of others. This is what we were seeing take place right here in the city with the Russian guard in full force. And added to this, and in keeping with these terrible threats, night before last several Turks entered the house of a poor inoffensive man, bound him and his family and outraged the latter in a most shameful manner, so that she now lies at the point of death. The house was also plundered of what they had. This last has been enough to touch the match to such combustible substances as we have in the mass of the people this way, be they Christian or Mohammedan. Hence we had such a scene enacted yesterday in this place as we shall not soon forget.

Christians went in a tumultuous crowd of thousands to the governor-general, first of all, after which they went to the mayor and French consul. Not getting very good satisfaction in any of these places, they become boisterous, crying out, "Protect us or kill us," &c.

Finally the mayor issued an order for the police to scatter the crowd, which they did with some difficulty, arresting a few of the most boisterous. But they were not to be thus silenced. They now gathered in still greater crowds in the large Armenian cemetery and became all the more vociferous.

The Armenian Church ecclesiastics gathered them into their large church (and the most of them were Armenians), and attempted to make an address, persuade them to be patient, turn to their various employments as loyal subjects of the government. At this the crowd called out, "We can't receive any such talk," and the meeting broke up in great confusion. Their bishop also became so intimidated, as it is thought from his own people, since they dealt out threats at him from his seeming inactivity in the matter, that he had a strong Russian guard stationed at his door immediately. Upon this, not a few called out, "Let us turn to the Americans, who secured us from starvation last winter." They came to us, though not in such a crowd and in a much more honorable way. Yesterday and to-day have been largely to encourage and pacify the poor bewildered, terrified ones that have been crowding upon us in larger or smaller groups. I learned they had the plan of coming by the thousands in front of our door, but I begged their chief men to put a stop to such a course if they had respect to my honor. That what I *could* do I would do all the more cheerfully if they would refrain from such demonstrations.

Thanks to them that they have heeded our request (and not a few of them have been

to our doors for their daily bread the past winter, and we have a good influence over them), and our house has not been put in the least danger as yet, nor we annoyed further than interrupted, so that I find it difficult, with so many coming and going, to lay the whole matter before you in a connected careful manner.

I have this day sent to your excellency a very long telegram, some 150 words, through Russia, and in the Russian language, stating at the beginning that "what I feared in the letter which I sent (that is the copy of letter to Mr. Layard which I sent you, suggesting emigration, great mixtures, anarchy, &c.) to your excellency had already begun." From this I went on to describe briefly the state of things with us in this city as I have done now with pen.

Though I suggested danger to us as well as to the city in the telegram, still I would not have your excellency think that as yet we have reason to fear for our personal safety unless the condition of the town should become most desperate, which we cannot anticipate, though matters yesterday looked most formidable, indeed.

We and our flag are held in high repute, and all nationalities are on friendly terms with us as far as we can see. Though other ecclesiastics have placed guards at their doors, we feel no need of any at ours, and trust our residence will be kept in safety unless a perfect frenzy should possess the whole town, in which case ours might have to succumb, last of all.

The people have confidence and respect for us, though they seem to look upon their own highest dignitaries with great distrust.

I shall wait with great anxiety a speedy reply to the telegram, as the people crowd upon us for some encouraging news.

As I wrote in the letter to Mr. Layard, the province of Alashgerd has already been given over to the Koords, and the poor Christians have fled toward Russia.

The plain east of us is bordering on such a state, as also the villages of this plain.

I might fill pages more in black rehearsals of what is going on in other regions, which have also had great weight in urging me on to present the matter before you, but it would only weary you, and I forbear.

Am happy to repeat, however, that Ismail Pasha has paid good heed to telegrams I sent him as to Geghi and Khanous regions, and some efforts at reforms are being made.

I am, &c.,

R. M. COLE.

P. S.—The telegram was finally sent in French instead of Russian.

P. S.—SEPTEMBER 15.

SIR: The letter which I inclose I wrote very hastily, hoping it would go by courier, but in the rush of people upon us and upon the agent who attends to dispatching the courier it failed to be sent. Just at this moment an opportunity to send it presents itself, and I hastily send it away.

I am happy to report more quiet. Yesterday, by beatings in some cases and threats of fines, the shops were opened. The people are waiting anxiously to see what replies will come to the telegrams sent by different ones. We do hope something will be accomplished so that this Armenian race may not be wholly lost to these parts. They are emigrating every day in great numbers.

I can but feel that the English Government is gravely at fault in not dispatching some representatives of their own to these parts to assure these Christians in personal presence.

With great respect, &c.,

R. M. COLE.

[Translation of telegram referred to in Mr. Cole to Mr. Maynard.]

ERZEROUH, September 10, 1878.

AMERICAN MINISTER, Constantinople:

We have the panic that I had anticipated and given you notice of. The Turks openly menace the Christians. They are so excited by their vindictive spirit that they have not patience even to wait three days for the retreat of the Russian army, and they are beginning now to post themselves along the roads to pillage the villages; and to-night they have sacked some houses in the city, and in entering them they violated a woman, and in the last twenty-four hours they have wounded several Christians. Now the panic is carrying away everything. All the Christian bazaars are closed, and if prompt and efficacious measures shall not be taken, we fear for personal safety of the inhabitants and ourselves. If possible, stay the retreat of the Russian army.

If you like, do, in the name of humanity and for the safety of the Christians, that for which we, with all the Christians, shall thank you.

COLE,  
American missionary.

No. 519.

*Mr. Maynard to Mr. Evarts.*

No. 285.]

LEGATION OF THE UNITED STATES,  
*Constantinople, October 21, 1878. (Received November 29.)*

SIR: I have received a pamphlet copy of a memorial addressed by Bulgarians to the representatives of the powers at Constantinople, printed, as will be seen, at Philippopolis (Plovdiv).

Unconsciously and by degrees I have come to take much interest in these people. Those who have lived among them and know them well speak of them as sober, chaste, clean, peaceful, industrious and skillful in their industry. While not exempt from the infirmities incident to centuries of subjection, they constantly look forward to a better condition, dissatisfied with their present ignoble fortunes. Stimulated by the example and encouraged by the assistance of the American missionaries they established schools and made a considerable progress in education and scholarship. A few years ago they accomplished their ecclesiastical independence and aspired to political autonomy. For the last three years their lot has been especially hard, and for two years past their sufferings have attracted great attention, made known largely and unwittingly by Mr. Schuyler. Illustrious in her sorrows and the blood of her children, Bulgaria has been a spectacle for the civilized world.

By the treaty of San Stefano Bulgaria was made an autonomous province, tributary to the Sublime Porte, with boundaries extending from the Danube to the Ægean, and including nearly all the territory of which the chief population was Bulgarian, excepting the fertile peninsular tract between the Danube and the Black Sea, called the Dobrudja, which, for political reasons of her own, Russia took to herself. The congress at Berlin changed all this, and in fact did little else, by limiting Bulgaria between the Danube and the fertile Dobrudja on the north, the Black Sea on the east, the Balkans on the south, and Servia on the west, a long narrow tract of country, and altogether the least fertile, inhabited by this agricultural people, by forming a still more limited province south of the Balkans, and separated from Bulgaria proper by a cordon of Turkish military posts, and placed under greater political restrictions, which province they call Eastern Roumelia; and by leaving the remaining territory inhabited by this race, together with Macedonia and what may be left of Epirus and Thessaly after rectifying the Greek frontier, to the direct administration of the Sublime Porte.

The grief and indignation of the Bulgarians are excessive. Nothing of all their sad experiences has so stirred their intellectual life. The inclosed memorial is but one of similar publications addressed to their own countrymen and to Europe. In Philippopolis they have established a paper conducted by themselves with ability and vigor, very spicy withal, protesting energetically against the disruption of what they cherish as their country, and denouncing the responsible authors of their dire calamity. Hitherto others have mainly spoken for them; now they are speaking, and right manfully, for themselves, and the unity of Bulgaria is their watchword.

The Russian army still occupies all that region, with headquarters at Adrianople, with no intention of leaving very soon. Their presence is an undoubted protection to the population, but it is not an unmixed blessing. The friends of the Bulgarians are pained to learn that among the rural villagers of simple habits and pure domestic lives a shocking

amount of drunkenness and licentiousness has been introduced by the soldiery. Besides, many of the Bulgarian youth have been withdrawn from productive industry, organized and armed as a military force. Their number has been stated as high as 50,000, an exaggeration, I have no doubt; probably from one-tenth to one-fifth of that number would be nearer the truth.

The insurrection in the Rhodope Mountains, which I mentioned in a recent dispatch, appears to have collapsed, and the English leaders to have come to Constantinople.

I have, &c.,

HORACE MAYNARD.

## EGYPT.

No. 520.

*Mr. Farman to Mr. Evarts.*

No. 208.]

AGENCY AND CONSULATE-GENERAL  
OF THE UNITED STATES IN EGYPT,  
*Cairo, February 13, 1878. (Received March 8.)*

SIR: I have the honor to send you inclosed copies of short reports relating to the coal trade in Egypt, which have been made at my request by our consular agents at Port Said and Alexandria. They were procured to enable me to give information on this subject to Messrs. Torrence & Co., of Philadelphia, who, as they say in a letter to me, are in control of a movement to introduce American coal into the Mediterranean, both anthracite and bituminous.

I send for them inclosed, under cover, a letter and copies of these reports, which you will please forward to Philadelphia. The copies sent you are for such use as you may deem proper. If American coal can be shipped to the Mediterranean and sold at such a price as will successfully bring it in competition with the English, the importance of the enterprise will be readily seen. The price of coal is given in the reports in English shillings and pence.

I have, &c.,

E. E. FARMAN.

[Inclosure 1 in No. 208.]

*Mr. Broadbent to Mr. Farman.*

UNITED STATES CONSULAR AGENCY,  
*Port Said, January 23, 1878.*

SIR: In replying to your dispatch dated the 15th instant, I regret I am unable to give you a more exact report than the following in reference to the coal imports here, as there are no means of getting particulars except from the merchants themselves, and they strongly object to give any information respecting their trade, but I trust the following brief statements will give you some ideas of the method of carrying on the business.

The imports of English and Welsh coal to this port average 250,000 tons annually, four-fifths of which are from Cardiff, and the balance from Newcastle, no other coal being brought here. The article bears the name of the mine it comes from, such as Nixon's Navigation, generally thought the best steam coal ever mined, used by Her Britannic Majesty's ships of war; Powell, Duffryn, Davis Merthyr, Ocean Merthyr, Taylor Steam Merthyr, Elbow Vale, these are all from South Wales; Brymbs Welsh Hartly, from North Wales; and from Newcastle, Hastings Hartly, Buddles West Hartly, and Cowpan Hartly.

This port is the largest coaling port in the East, and it will be readily understood, considering the great transit of vessels through the Suez Canal. With very few ex-

ceptions all the passing ships fill up their bunker spaces, those going East taking, if possible, sufficient coal to bring them back to the canal, and vessels bound home generally filling up enough to carry them to their destination. Others, to save a little in price, take enough to steam to the next coaling station in the Mediterranean, viz, Malta.

There are four firms engaged in the coaling trade here: Wills, Manchi & Co., The Port Said and Suez Canal Company, Worms & Co., and Bazin & Co.; the two former English and the two latter French.

The average price per ton, of 2,240 pounds English, is 30 shillings for the year round put on board the vessels; trimming on board being charged for extra.

The average stocks of coal kept on hand in depot and in lighters by the four firms will be about 15,000 tons each.

The discharging of coal, landing, loading, putting on board steamers is all carried on by the native Arabs, and the merchant calculates that the cost of labor and rent of depots is, on an average, 4 shillings per ton. The steamers are coaled at the rate of 100 tons per hour, and as there is always a large quantity of coal afloat in lighters, it can be got alongside a vessel in a very short time.

I am, &c.,

R. BROADBENT,  
United States Consular Agent.

[Inclosure 2 in No. 208.]

Mr. C. M. Salvago to Mr. Farman.

No. 7.]

UNITED STATES CONSULAR AGENCY,  
Alexandria, Egypt, January 21, 1878.

SIR: In answer to your letter No. 547, asking me to send you a short report upon the importation of coal, &c., I have the honor to transmit you what follows:

The quantities of coal consumed in this country amount to about 300,000 tons annually, of which—

	s.	d.
50 per cent. is Newcastle, present price free on board.....	27	6
20 per cent. is Cardiff, present price free on board.....	27	0
20 per cent. is North Wales, present price free on board.....	26	0
10 per cent. is Glasgow, present price free on board.....	25	0

From the above proportions it will be noticed that Newcastle is the best adapted for this market, being used almost without exception by the ginning factories with a slight mixture of Cardiff.

Before the crisis this article was sold payment due after three months, but at present 75 per cent. is sold cash. Of the total amount imported one-third is consumed by the Egyptian Government, but in this case three months' credit is demanded and a better price generally made. The principal importers are: Messrs. B. Whitworth & Brothers, Mr. Charles Grace, Messrs. Dixon Brothers, Messrs. Barker & Co., Messrs. J. Moes & Co., Messrs. Coatsworth Brothers, Mr. J. L. Wakeham, Mr. A. L. Anglatt, Messrs. D. Lacilly & Co., Messrs. Behrend Brothers, Messrs. G. Borg & Co.

The charges are 2 per cent. commission, 1 per cent. brokerage, 1 per cent. de credeite (if required), 9 per ton weighing; custom-house duty  $\frac{1}{2}$  per ton for Newcastle and  $\frac{1}{4}$  for other qualities.

Newcastle is by 3 shillings dearer than other qualities, but on account of the great scarcity of Cardiff at this moment it has risen to its present high price of 27s. f. o. b., that is, only 6d. cheaper than Newcastle.

Even at this price it is difficult to be obtained; 35s. is demanded for some warehoused lots.

I am, &c.,

C. M. SALVAGO.

No. 521.

Mr. Farman to Mr. Evarts.

No. 209.]

AGENCY AND CONSULATE-GENERAL  
OF THE UNITED STATES IN EGYPT,  
Cairo, February 12, 1878. (Received March 8.)

SIR: I have the honor to inform you that General Grant arrived at Alexandria, Egypt, on the 5th day of January, in the United States



ship *Vandalia*, accompanied by Mrs. Grant, his son, and J. Russell Young.

He was received in that city with the same honors that are paid to royal personages, and throughout Egypt with the consideration due to his personal renown and the high official position he had occupied; and the demonstrations of the people at his every appearance unmistakably showed feelings of the greatest respect for our distinguished soldier and citizen.

The Khedive had frequently inquired as to the time of the general's arrival, and requested me to tender him his hospitalities, expressing the hope that they would be accepted. I complied with the wish of His Highness, and the general consented to be his guest while in Egypt. Special trains were furnished him for his railroad excursions, and steamers for the voyage of the Nile and the passage through the Suez Canal, and a palace on the Choubra road called "Kazrel Nuzha," literally, "Little Palace of Pleasure," was assigned for his residence while at Cairo.

He ascended the Nile to the first cataract, 600 miles, visiting Sakkara (ancient Memphis), Minieh, the principal place in the district of the Khedive's sugar plantations, Assiout, Abydos, the temple of Dendera, the ruins and tombs of the kings at ancient Thebes, the temple at Edfoo, and the quarries and ruins in the vicinity of the cataract. He was absent from Cairo eighteen days, and was much pleased with the trip and astonished at the grandeur and extent of the ruins of Upper Egypt.

Having visited the principal objects of interest in the vicinity of Cairo, he went by the railway to Suez, and thence through the canal to Port Said, where he arrived on Saturday last, the 9th instant, and immediately embarked on board the *Vandalia*, and after receiving the visits of the governor and canal officials, sailed for Jaffa.

The *Vandalia*, having disembarked him and his family at that place, returned yesterday to Port Said, to remain while he visited Jerusalem.

The night before the general's final departure from Cairo, the Khedive gave a dinner in his honor at his palace Abdin. There were sixty persons present. The dinner could not be given before the excursion up the Nile on account of the court being in mourning for King Victor Emanuel.

The general and his family expressed themselves highly pleased with the visit to Egypt and the kindly and courteous manner in which they were everywhere received.

Hoping that I have, in compliance with your instructions as well as my own wishes, added in some degree to the pleasure of the general during his sojourn in this ancient and interesting country,

I have, &c.,

E. E. FARMAN.

---

No. 522.

*Mr. Farman to Mr. Evarts.*

No. 222.]

AGENCY AND CONSULATE-GENERAL  
OF THE UNITED STATES IN EGYPT,  
Cairo, April 5, 1878. (Received May 1.)

SIR: I have the honor to inclose herewith a copy of a dispatch of Cherif Pasha, dated March 19, 1878, and its translation. It relates to the text of article 9 of Title II of the "Réglement d'Organisation Judiciaire" of Egypt. This article gives to the new tribunal jurisdiction in cases of

crimes and misdemeanors committed by the judges, jurors, and officers of justice in the exercise or abuse of their official duties, and mentions certain special crimes and offenses which may be imputed to them, but the members of the parquet are not mentioned in the article, and are not included in the different classes of persons designated as officers of justice.

His excellency Cherif Pasha says, in substance, that it is evident from the "procès-verbaux" and the report of the commissioners who met at Constantinople in 1873 to examine the propositions made by the Egyptian Government in relation to judicial reform in criminal cases, that the delegates of the powers, in accord with the Egyptian minister, intended to include under the title of magistrates the members of the public ministry as well as the judges, and to give to the new tribunals jurisdiction in cases of crimes and offenses imputed to magistrates in general in the exercise of their functions.

As a proof of this he cites the fact that the members of the parquet, who constitute the ministry of justice, are especially mentioned in § 3 of the draught of law unanimously accepted by the commission and the Egyptian Government, of which said article 9 is almost a literal reproduction. He attributes the omission to mention the members of the parquet to an inadvertence on the part of the compiler, or to a typographical error. He says that the court of appeals, after a careful examination of the subject, asks that the omission be provided for, and proposes, as the simplest and most rational means, the substitution of the integral text of § 3 of the said draught of law for said article 9 of Title II; and thinking that this means would be the most appropriate, his excellency brings it to my attention, as he says, in the conviction that the Government of the United States will be pleased to receive it as such, and consider, in accord with the Government of the Khedive, that this substitution will attain the result wished for by re-establishing in its right terms the understanding formulated at Constantinople.

The Government of the United States has never proposed any person for member of the parquet, and I do not see that this question has for it any special importance, except so far as it relates to the general question of the desirability of having all the members of the court subject to its jurisdiction in matters of misconduct in their official duties, and except as it may bear upon the question of the construction to be given to article 7 of Title II, hereinafter mentioned.

The jurisdiction of the new tribunals in criminal matters is well defined in the "Règlement d'Organisation Judiciaire" (articles 6, 7, 8, and 9 of § 2, Title II), and is restricted to three classes of cases:

1st. Crimes and misdemeanors committed against the magistrates, jurors, and officers of justice in the exercise of their functions, or "à l'occasion de" (on account of or in consequence of) the exercise of these functions.

2d. Crimes and misdemeanors committed against the execution of the judgments, processes, and orders of the court.

3d. Crimes and misdemeanors committed by the judges, jurors, and officers of justice in the exercise or abuse of their functions.

All other criminal matters remain as formerly within the jurisdiction of the consular courts.

Each of the foreign powers continues its criminal courts the same as previous to the organization of the new tribunals.

Extraterritorial rights are admitted and enjoyed in Egypt to their fullest extent. Foreigners are sometimes arrested by the local authori-

ties, but they are immediately delivered to the consuls of their respective countries.

The number of criminal cases brought before the consular courts is very large. I was informed a few days since by an official of the Italian consulate that within eight months they had examined fifty-two criminal cases and sent forty-two accused persons to Italy for judgment. These were cases in which the punishment might be imprisonment at hard labor for a term of years; cases of misdemeanor, in which the punishment might be a fine, or a fine and a short term of imprisonment, being tried and disposed of in Egypt. On the other hand, the new tribunals of first instance at Cairo last week tried and convicted the governor of Cairo and the prefect of police on a charge of having neglected to furnish, as required by the sheriff of the new tribunal, a force to aid in the execution of a civil process, and sentenced each of them to pay a fine of 4,000 piasters tariff (\$200).

A conflict of jurisdiction has lately arisen between the new tribunals at Alexandria and the Italian consular court, in the case of an assault and battery committed upon a member of the parquet, as to what classes of persons are intended to be designated by the word "magistrates" in article 7 of Title II of the "*Règlement d'Organisation Judiciaire*."

The offense was committed in consequence of certain official acts of the member of the parquet, and said article 9 above mentioned has been relied upon to show that the word "magistrates" was not intended to include members of the parquet, though by the ordinary signification of the word they would be included.

This case has undoubtedly given rise to the examination of the subject, and resulted in the conclusions of the court of appeals mentioned in the dispatch of Cherif Pasha.

The modification of this article in the manner proposed, whatever may have been the intention of the commission at Constantinople, would undoubtedly extend the jurisdiction of the new tribunals; and in any event no change whatever can be made without the consent of the powers interested, according to article 40, § 2 of title III of the "*Règlement d'Organisation Judiciaire*."

From the instruction that I have heretofore received from the Department, I conclude that it will make no objection to the proposed changes, though it involves the question as to whether, under the act of Congress of March 23, 1874, any one on the part of the Government of the United States can now do anything further without an enabling act of Congress to abridge the jurisdiction of the consular court of Egypt or to extend that of the new tribunals. I say it will involve this question; for, as the "*Règlement d'Organisation Judiciaire*" now reads, if an American citizen should be accused of violence committed against a member of the parquet under any of the circumstances mentioned in said article 7, he could not be tried by the new tribunals. He could only be tried, if at all, by the consular court. If, however, the proposed change of article 9 should have the effect anticipated in giving construction to article 7, then, after such change, such a case as that supposed would be within the jurisdiction of the new tribunals.

Referring you to my dispatch No. 144 of June 9, 1877, and your reply No. 74 of July 13,

I have, &c.,

E. E. FARMAN.

[Inclosure in No. 222.—Translation.]

*Dispatch of Cherif Pasha.*

No. 51.]

MINISTRY OF FOREIGN AFFAIRS,  
Cairo, March 19, 1878.

SIR: By reading the minutes and report of the commission, instituted in 1873, near the Sublime Porte, for the examination of the propositions made by the Egyptian Government, in relation to the judiciary reform in penal matters, it becomes evident that the delegates of the powers, in accord with the Egyptian minister, agree to include, under the title of magistrates, the members of the public ministry, as well as the judges themselves, and to reserve for the new tribunals the judgment of crimes and offenses imputed to magistrates in general in the exercise of their functions.

The spirit as well as the letter of these minutes and report seems to leave no doubt in this respect. § 3 of the draught of law, unanimously accepted by the commission and by the Egyptian Government, expressly mentions, while distinguishing them in a sufficiently precise manner, the special crimes and offenses of which the following classes of functionaries may be accused, to wit: 1, the judges only; 2, the judges and the parquet; 3, the officers of justice; 4, the judges, the parquet, and the officers of justice.

This enumeration, so clear and categorical, is the best proof of the understanding established between the commission and the Egyptian Government.

Article 9 of title II of the "Règlement d'Organisation Judiciaire" is an almost literal reproduction of the whole of said § 3 of the draft above mentioned which was sanctioned by both the commission and the Egyptian Government.

Nevertheless, that article makes mention of the judges, juries, and officers of justice only, without mentioning the members of the parquet.

Is it to be concluded, from this failure to mention them, that the members of the parquet are not subject to the new tribunals for the crimes and offenses specified in article 9?

Such an interpretation seems impossible from every point of view. Firstly, it would be contrary to the intention of the parties signing the international treaty of reform, who thought they ought to provide for the cases, however rare they might be, of crimes and offenses imputed to the members of the parquet, and subject them to the judgment of the new tribunals as well as the judges and officers of justice. In the second place, such an interpretation would form a most inexplicable anomaly; for the juries, the assessors, the clerks and assistant clerks, the interpreters, and the sheriff's come, like judges themselves, within the jurisdiction of the new tribunals, and nothing would be more abnormal than an exception created exclusively in respect to the parquet which fulfills so important a mission, and is intrusted in penal matters with proposing the most important measures of the process of investigation, and in civil matters with settling questions of order and public interest. Finally, in the third place, such an interpretation would greatly affect the dignity of the magistracy, and might lead to conflicts of the gravest kinds; because, supposing for example a case where a judge, properly speaking, that is to say a magistrate intrusted with pronouncing a decision, and a member of the public ministry, that is to say a magistrate intrusted with the prosecution, were accused of punishable acts, committed in common in the exercise of their functions, could it be admitted that the former was under the jurisdiction of the tribunals of reform, and the latter under the tribunal of his consulate, and that the consular judge might condemn, whilst the tribunal of reform might acquit, or *vice versa*?

Would there not be in such a case a very lamentable conflict of such a nature as to compromise a high interest, namely, the dignity, honor, and *prestige* of the magistrate, who would not even have the right of appealing to a higher authority competent to dispose of the question?

In view of these considerations it seems impossible, I repeat, to interpret the silence of article 9 in the sense that the members of the parquet are the only ones kept free from the jurisdiction of the new tribunals.

Be this silence the result of inadvertency on the part of the compiler or be it, typographical error, it is in any case an omission, a *lacuna*, which might give rise to most unpleasant difficulties, to remedy which is all the more important, seeing that it is, as has been shown above, entirely contrary to the understanding come to at Constantinople.

The court of appeals itself conscious of the importance of the case, and after a careful examination of the minutes, report, and draft above alluded to, asks of the ministry of justice that this omission be provided for as soon as possible; and the court proposes as the most simple and rational means, to substitute for the incomplete text of article 9, of title II, of the "Règlement d'Organisation Judiciaire," the integral text of § 3 of the said draught.

Thinking, with the court, that this means would indeed be the most appropriate to

the state of the case, I have the honor to bring it before your attention, Mr. Agent and Consul-General, in the conviction that the Government of the United States will be pleased to receive it as such, and consider, in accord with the government of the Khedive, that the substitution mentioned above will entirely attain the aim wished for, by re-establishing in its right terms the understanding formulated at Constantinople in § 3 of the aforesaid draught.

Please to accept, &c.

CHERIF.

No. 523.

*Mr. Farman to Mr. Erarts.*

No. 224.]

AGENCY AND CONSULATE-GENERAL  
OF THE UNITED STATES IN EGYPT,  
*Cairo, April 10, 1878. (Received May 1.)*

SIR: I have received from His Excellency Cherif Pasha a dispatch dated April 2, 1878, relating to a decree made by His Highness the Khedive, modifying certain articles of the civil and commercial code of procedure of the new tribunals of Egypt.

I have the honor to inclose a copy of the dispatch, its translation and two printed copies in French of the decree.

I am, sir,

E. E. FARMAN.

[Inclosure in No. 224.—Translation.]

*Cherif Pasha to Mr. Farman.*

No. 56.]

CAIRO, April 2, 1878.

MR. AGENT AND CONSUL-GENERAL: The experience acquired in the application of the laws of the *reforma* has led the corps of magistracy to propose several modifications of articles 507, 523, 622, 639, 646, 683, and 707 of the Civil and Commercial Code of Procedure.

A simple comparison of the old text with the new texts which are intended to be introduced will suffice to show the utility of these modifications, and the advantages which will result from them to all parties interested.

Considering these advantages, and the new guarantees which these modifications are calculated to bring about in the management of cases of "*expropriation*" (act of dispossessing debtors of their real property), the Khedive has invested them with his high sanction by decree dated the 24th of December last.

I have the honor to transmit you, printed in all three languages, this decree, which is to be put into execution one month after its present publication, according to the requirements of article 35 of the "Règlement d'Organisation Judiciaire"; and, convinced beforehand, Mr. Agent and Consul-General, that you will recognize the force and opportuneness of the provisions it contains, I renew to you the expression of my high consideration.

The minister of foreign affairs and of justice,

CHERIF.

No. 524.

*Mr. Farman to Mr. Erarts.*

No. 235.]

AGENCY AND CONSULATE-GENERAL  
OF THE UNITED STATES IN EGYPT,  
*Cairo, June 8, 1878. (Received July 1.)*

SIR: I have the honor to inform you that I to-day obtained from the office of the governor of Cairo papers of manumission for three negro slave-girls.

These girls, that are apparently from thirteen to sixteen years of age,

came to this consulate-general yesterday in company with Rev. Dr. Hogg and Miss McKown of the American mission at Osiout and asked to have measures taken to secure their freedom.

According to their statements they had been brought by traveling merchants from Darfour, one of the Egyptian provinces of Soudan, situated about 350 miles west and southwest of the junction of the White and Blue Niles. Their journey had occupied six months, and during this period they had been sold three times. On their departure from Darfour the party of slaves numbered sixteen, all of whom had been privately kidnapped or forcibly taken from their homes. The father of one of the girls resisted the taking of his daughter and was shot.

Most of the journey was by the river, but they were at one time a month on the desert. One of the slaves was disobedient and was shot. Another was beaten while on a camel and fell and died, either from the fall or from the effects of the blows, and a third, who made complaints and some trouble on account of want of water while on the desert, was tied to a tree and left.\* The other thirteen arrived a few days since at Osiout, 230 miles above Cairo. Here the three girls were separated from the rest of the party, and sold for 30 Napoleons, a little less than \$116. The purchaser was about to bring them to Cairo to be resold, when a liberated slave, also a native of Darfour, having learned the facts, seized the girls as they were being taken through the streets at night on their way out of the city and took them to the house of Dr. Hogg. The owner was frightened and fled. The girls were soon afterwards brought by the doctor to Cairo, and yesterday came to this consulate-general as I have stated.

I sent them to-day with my cavass to the governor's office with a short statement in writing of the manner in which they came to Dr. Hogg's, and asked, according to the custom in such cases, their manumission. The request was immediately granted, and the girls were taken by Dr. Hogg to be instructed for one or two years in the mission school at Osiout.

Slavery is permitted, or, at least, tacitly tolerated in Egypt, and one private person may sell his slave to his neighbor; but all importation of slaves (negroes and Abyssinians) and all traffic in them are prohibited under severe penalties.

The value of a young colored slave-girl at Cairo is only from \$50 to \$75 and of a male a still less sum. It would not seem that this price would be any inducement to bring slaves from Central Africa. They are, however, constantly brought, but secretly and not in large numbers.

Traveling traders of the interior buy or kidnap children and bring them to some point on the Nile with their caravans of gums, ostrich-feathers, ivory and other products of the country, and sell them for very small sums to the merchants, who carry on a considerable traffic along the river by means of boats built for that purpose. They are then brought, to some place near Cairo, and smuggled into the city and secretly sold.

So long as there is a market for slaves and the mass of the people see no wrong in slavery, it will be difficult if not impossible to prevent their importation.

It is said that there are slaves in all the cities and large villages of Egypt in every native family that is able to have servants, but the slavery

\* A kind of stunted thorn-tree on which camels browse is frequently found in the desert where there is no water.

of this country is of the mildest form and wholly different from that formerly existing in the United States.

The average value of labor in Egypt for agricultural and other similar purposes is about ten cents a day, the laborer finding and preparing his own food. This is barely sufficient to sustain his physical necessities in a country where no dwelling except a mud hut and very little clothing are required. The necessary result is that slaves cannot be kept for profit, for they must be fed, and while their labor is less valuable, they cannot be kept for a less sum per day than is paid the fellah for farm labor.

Slavery is here confined almost exclusively to the large towns, and is principally connected with the domestic life peculiar to the higher and middle classes of the Orient.

Slaves are kept for the convenience of the harem and to give importance to the owner. I use the term harem in its broadest sense, meaning the apartments allotted to the females in the household of every Mussulman able to maintain one or more wives and their attendants. A system of hired servants would be wholly inconsistent with the strict privacy which custom requires in family relations in the East.

The colored female slaves come from Central Africa and Abyssinia, and the white being generally Caucasians, or Georgians, from Constantinople, very little is known of them except the fact that they are here. They are brought into the country secretly and sold secretly, and enter the harem, which they seldom if ever leave. A very few of the favorites in the families of the higher classes sometimes ride out in closed carriages or veiled and attended by eunuchs. In all these respects, however, their condition is not materially different from the so-called free women of the country, and all the children born in the harem are free and regarded as legitimate, and on the death of the father have equal rights in his property. The child takes the condition of the father instead of that of the mother, and the slave-woman who has borne her master a child is by that fact raised to the rank of a wife, and on his death entitled to her freedom.

The result of this system is that there are very few slaves born in Egypt, and the demand must always for the most part be supplied by importations.

As to the male slaves, very few of them either earn their living or desire to change their condition. They generally understand that they can obtain their freedom by applying to a European consulate, but comparatively few of them avail themselves of this privilege. They appear to be kept more to increase the retinue of personal attendants, and in this manner to give dignity and importance to the master, than for service. They certainly perform much less labor and fare better, both as regards their manner of living and their personal treatment, than the fellah.

I have, &c.,

E. E. FARMAN.

---

No. 525.

*Mr. Farman to Mr. Evans.*

No. 245.]

AGENCY AND CONSULATE-GENERAL  
OF THE UNITED STATES IN EGYPT,  
Cairo, July 3, 1878. (Received July 29.)

SIR: I have the honor to inform you that on Sunday last, the 30th of June, all of the Americans in the military service of the Khedive,

except General Stone and one other officer, were discharged. A large number of other persons, both Europeans and natives, engaged in the different branches of the war department were dismissed at the same time. The reason given in the order is the necessity of reducing the expenses of the government.

The Americans will receive immediately their pay in full to date of dismissal, and also six months' pay as indemnity, and seventy-five pounds each on account of expenses to the United States.

A commission has also been appointed to examine and report as to the condition of two officers who have been disabled in the service, one by wounds received in battle and the other by sickness in Central Africa, with reference to giving them special indemnities. The number of Americans now discharged is nine, and the whole number that have been in the service of the Khedive as officers in his army during a period of nine years has been forty-five.

I have, &c.,

E. E. FARMAN.

No. 526.

*Mr. Farman to Mr. Evarts.*

No. 251.]

AGENCY AND CONSULATE-GENERAL  
OF THE UNITED STATES IN EGYPT,  
Cairo, July 10, 1878. (Received August 1.)

SIR: I have the honor to inform you that the subject of extending the jurisdiction of the mixed tribunals of Egypt to civil and commercial actions in which all the parties are natives is being considered by the Egyptian Government. The question has been submitted by the Khedive to the judges of the court of appeals for their opinion, and they have made their report, which is said to be favorable to the project, though its exact contents have not been made public.

The Khedive is also understood to be in favor of the measure, provided that the jurisdiction shall also be extended to actions between Europeans of the same nationality.

Such an extension would give the mixed tribunals jurisdiction in all civil and commercial actions in Egypt without regard to the question of nationality, and would require a number of additional judges.

The consular courts would then be deprived of all jurisdiction except in cases of the settlement of estates, criminal cases, and those arising under the *statut personnel*.

Such a change in the judicial system of Egypt would be an important measure of reform, and would undoubtedly be of great benefit to the country. In a conversation with the Khedive on the subject a few days since he expressed himself as believing that the project would be adopted.

I have, &c.,

E. E. FARMAN.

No. 527.

*Mr. Farman to Mr. Evarts.*

No. 254.]

AGENCY AND CONSULATE-GENERAL  
OF THE UNITED STATES IN EGYPT,  
Cairo, July 15, 1878. (Received August 7.)

SIR: Referring to my dispatch No. 245, of the 3d instant, in the last paragraph of which I mentioned the fact that a medical commission had



been appointed to report upon the condition of two officers, Colonels Dye and Colston, citizens of the United States recently discharged from the military service of the Government of His Highness the Khedive, I now have the honor to state that the minister of war, upon examining the report of the commission, decided that these officers were not entitled to any indemnity on account of their disabilities.

Having examined the facts in their cases and become satisfied that the decision was unjust, I brought the subject before the Khedive, who instructed the minister of foreign affairs to have a new medical commission appointed to re-examine these cases.

Upon the report of the new commission the minister of war reconsidered his decision, and Colonels Dye and Colston were yesterday each allowed £1,000 indemnity.

The sum was suggested by me, and is satisfactory to the officers.

I have, &c.,

E. E. FARMAN.

No. 528.

*Mr. Comanos to Mr. Evarts.*

No. 255.]

AGENCY AND CONSULATE-GENERAL  
OF THE UNITED STATES IN EGYPT,  
Cairo, August 8, 1878. (Received August 30.)

SIR: In reply to your instructions of the 2d of July last, No. 106, I have the honor to state that there is no other variety of Bamiah cotton save that discovered in the Menonfieh district, which has been already mentioned in Mr. Farman's dispatch No. 127, of May 4, 1877. Nevertheless I send to your address by this mail two bags of the seed of this plant, which is at present rather scarce.

The Bamiah plant having but one stalk requires more frequent watering than the common cotton-plant; and if it once begins to wither the whole plant dies, and the entire fruit is lost. The raising of this species is, therefore, much more risky; and consequently growers, as yet, only dare to experiment with it on small tracts of land. Latterly the results of such experimental culture have not come up to the expectation aroused upon its first discovery.

I have, &c.,

A. D. COMANOS.

No. 529.

*Mr. Comanos to Mr. Evarts.*

No. 257.]

AGENCY AND CONSULATE-GENERAL  
OF THE UNITED STATES IN EGYPT,  
Cairo, August 28, 1878. (Received September 18.)

SIR: I have the honor to inclose herewith a cutting from the semi-official newspaper, the *Moniteur Egyptien*, which gives the speech of the Khedive delivered at Alexandria on Friday last, the 23d instant, to Mr. Rivers Wilson, vice-president of the high commission of inquiry, who had a few days before presented to the Khedive the preliminary report

of the commission, and which also gives an epitome of the conclusions arrived at by the commission and accepted by his highness.

Since making that speech the Khedive has intrusted Nubar Pasha with the formation of a cabinet which shall come up to the ideas expressed in the speech and carry out the conclusions of the commission.

The Khedive's sons, Tewfik Pasha, minister of the interior, and Hussein Pasha, minister of finance, have resigned.

It appears that immediately upon his return from Europe a few days ago, Nubar Pasha, who had had personal interviews with the leading men of the Governments of Great Britain, France, and Germany, convinced the Khedive that he must make a radical change in the administration of Egypt, or be ready to find himself unsupported by those governments.

It is confidently rumored that with Nubar Pasha as minister president, and minister of foreign affairs, the new cabinet will be composed of Mr. Rivers Wilson, as minister of finance, Riaz Pasha as minister of interior, and Aali Pasha Monbarak as minister of public works, and that an Englishman, besides Mr. R. Wilson, will be called to the ministry of war, and a Frenchman to that of justice and of agriculture and commerce.

It seems that the Khedive has made up his mind to withdraw himself and family from taking an active part in the affairs of the state, and intrust the government of the land to a responsible ministry under the presidency of Nubar Pasha.

The defect in the system is that the people of the land, as a nation, are taken into no account, and the new ministers are responsible to the Khedive alone, and he in his turn is responsible to the European governments interested especially in Egyptian affairs.

Since drafting the foregoing, I have learned unofficially that Riaz Pasha has been definitely appointed minister of the interior. This change in the Khedive's method of governing, and the steps he has already taken for putting it into execution, give great satisfaction throughout the land. Egyptian funds have risen from 49 to 59.

I have, &c.,

A. D. COMANOS.

---

[Inclosure in No. 257.—Translation.]

*The Khedive's speech.*

I have read the report of the commission of inquiry, over which you have presided. It is full of details, and, if time has been wanting for the thorough examination of some questions, I feel no less grateful to you and your colleagues, whose departure I regret, for I should have been glad to thank them also in person. I hope that you will be good enough to convey my thanks to them.

As to the conclusions which you have reached, I accept them. It is very natural that I should do so, for I have desired to have this work performed for the benefit of my country. It is for me now to enforce those conclusions. I am determined to do it in earnest, you may depend. My country is no longer in Africa. We are now a part of Europe. It is therefore natural that we should abandon old errors and adopt a new system suited to our social condition.

I think that you will see considerable changes in the near future. They will be brought about more easily than is supposed. It is, fundamentally, a mere question of legality, of respect for law. It is especially important not to be satisfied with words, and, for my part, I am determined to seek the reality of things. In the first place, as an earnest of my determination, I have instructed Nubar Pasha to form a ministry for me.

This innovation may seem to be of little importance; but from this innovation, seriously conceived, you will see ministerial independence emanate, and that is no small thing, for this innovation is the starting point of a radical change in our system, and

it is, in my opinion, the best assurance that I can give of the seriousness of my intentions as regards the enforcement of your conclusions.

You are about to leave us; I hope that you will return soon, but I want you take with you the conviction that, although you have had an arduous and painful task to perform, your efforts will not be fruitless, for, as you know, everything germinates and ripens quickly in this old land of Egypt.

---

No. 530.

*Mr. Comanos to Mr. Erarts.*

No. 258.]

AGENCY AND CONSULATE-GENERAL  
OF THE UNITED STATES IN EGYPT,  
*Cairo, September 3, 1878. (Received September 28).*

SIR: Referring to my immediately preceding dispatch, No. 257, I have the honor to inform you that I have received from Nubar Pasha the formal notice of his appointment by the Khedive as president of the council of ministers, minister of foreign affairs, and minister of justice.

With that communication was inclosed a copy of the Khedive's rescript, addressed to His Excellency, concerning the organization and attributes of this newly-instituted council of ministers, and a copy of the Khedive's address to Mr. Rivers Wilson, concerning the report of the high commission of inquiry, of which Mr. Wilson is the vice-president. Translations of these three papers are herewith inclosed.

The newspapers of the 30th of August last announced officially that by decree of the Khedive the following appointments have been made: Riaz Pasha, minister of interior; Ratib-Pasha, minister of war; Aly Pasha Moubarak, minister of public instruction and of "*Wakf*," and, *ad interim*, of public works. "*Wakf*" means real property set apart for the maintenance of the mosks and other religious institutions of Islam.

Together with the Khedive's rescript above mentioned, the *Phare d'Alexandrie*, in its issue of the 31st of August last, published Nubar Pasha's reply thereto. A translation of that reply is also inclosed herewith.

The newspaper *La Reforme*, published at Cairo, announced in its issue of the 2d of this month that His Excellency Riaz Pasha, minister of interior, has been appointed minister of finance *ad interim*, and that Mr. Rivers Wilson has gone to Europe on a mission, having been intrusted by Nubar Pasha with the task of contracting the loan which is necessary for the liquidation of the [acknowledged] "recognized" debts of the Khedive and of the *Dairas*. It is generally believed that this will be a loan of about twelve million pounds, and that Nubar Pasha contemplates proposing to the Khedive that he appoint Mr. Wilson to be minister of finance.

One of the first fruits of this new order of things in the government of Egypt has been the setting at liberty, by Nubar Pasha, in his character of minister of justice, of one Hassan Moussa el Akkad, an Egyptian subject and a man of large fortune, who has been detained for many months in the police prison of Cairo for no known crime and without accusation. This deed has made a very good impression upon the public mind. Returning to the subject-matter of the translations herewith inclosed, I solicit your special attention to that sentence toward the close of the Khedive's rescript to Nubar Pasha where His Highness says: "Together with a judiciary organization extended generally [over

all classes] this institution [i. e. the new council of ministers] suffices to meet the necessities of our social condition."

In his letter to me (inclosure No. 1) Nubar Pasha amplifies the Khedive's idea. He says, about the middle of his letter: "In consequence of a judiciary organization extending generally [over all classes], it will no longer be a part of the population, it will be all the population, which will enjoy the protection of the law, applied by an independent body." Further on in the same letter His Excellency expresses his belief that "the Government of the United States will with satisfaction see His Highness entering on this new path, and that its good-will, sympathy, and co-operation will facilitate the task undertaken by the Khedive, the realization of which the Khedive has intrusted to His Excellency and his colleagues." These sentences (taken in connection with Mr. Farman's dispatches Nos. 251 and 253, of the 10th and 15th of July last), refer to the Khedive's desire for an extension of the jurisdiction and competence of the reform tribunals so as to cover all classes of individuals, Europeans and Egyptian subjects, and all classes of cases, whether civil or criminal.

It is a pet idea of the Khedive to do away entirely and once for all with what still remains of the right of extraterritoriality attaching to Franks or Europeans in the land; and it now seems, from the quotations above, that to Nubar Pasha, the father of the system of reform tribunals, the carrying out of this wish is to be intrusted. Nothing short of a final breaking up of the time-honored capitulations is, in my opinion, aimed at. I specially solicit your attention to this point, because, according to the present indications, it will not be long before the European governments, and with them the United States, will be approached by Nubar Pasha with the new plan for their acceptance, the aim of which will be to put non-Egyptians on a level with the subjects of the Khedive in all matters pertaining to right, privilege, and taxation of persons.

I have, &c.,

N. D. COMANOS.

[Inclosure 1 in No. 258.—Translation.]

*Nubar Pasha to Mr. Comanos.*

No. 435.]

MINISTRY OF FOREIGN AFFAIRS,  
*Cairo, August 29, 1878.*

SIR: His Highness the Khedive, my august master, has intrusted me with forming a new ministry. This mission is an innovation in our governmental habits. Furthermore, His Highness, in an audience he granted to Mr. Rivers Wilson, took occasion to explain the construction he put upon it; he marked the character thereof by pointing it out as the point of departure of a change of system in his administration.

In the receipt he lately addressed me, His Highness defines his conception, and indicates by what means this conception may be applied and realized.

I have consequently the honor, Mr. Acting Consul-General, to transmit you herewith copy of the receipt of His Highness and of his words to Mr. Rivers Wilson.

I have no need, sir, to dwell upon the importance of these papers in their bearing upon the future of the land. In consequence of a judiciary organization extended generally [over all classes], it will no longer be a part of the population, it will be all the population, which will enjoy the protection of the law, applied by an independent body; and as for the administration, the principles of sound economy will necessarily prevail with a ministry sure to find in the generous intentions of His Highness and in its own composition, when its composition shall have been fixed, the elements of an independence both legitimate and of salutary effect.

I am persuaded that the government of the United States will with satisfaction see His Excellency entering, of his own accord, upon this new path, and that its good-will, sympathy, and co-operation will facilitate the work the Khedive has undertaken, the realization of which he has confided to my colleagues and myself. The Khedive has

been pleased to intrust to me the presidency of the new ministry, along with the conduct of foreign affairs and of justice. I am indeed happy at being, through these functions, his organ in the relations of his government with the agency and consulate-general the management of which is confided, sir, to you; and I take pleasure in believing that you will be pleased to cherish toward me the sentiments of good-will that I have in times past met with in your consulate-general.

Be pleased to accept, sir, the expression of my high consideration.

NUBAR.

(Inclosure 2 in No. 258.—Translation.)

*The Khedive to Nubar Pasha.*

PALACE OF GIZEH, August 28, 1878.

MY DEAR MINISTER: I have ripely reflected upon the changes brought about in our situation, both internal and external, by recent events, and, while you are occupied with the mission I have confided to you of forming a new ministry, I wish to confirm to you my firm determination of placing the rulers of our administration in harmony with the principles that govern the administrations of Europe.

Instead of a personal power, which is actually the principle of the government of Egypt, I want a power which impresses, it is true, a general direction upon affairs, but which finds its equilibrium in a council of ministers.

In one word, I wish henceforth to govern with and by my council of ministers. In this order of ideas, I think that, in order to apply the reforms I have already announced, the members of the council of ministers ought to be all jointly and severally\* bound one toward the other. This point is essential. The council of ministers will discuss all important questions of the land; the opinion of the majority will carry along with it that of the minority. Decisions will hence be taken by majority, and, in approving them, I shall consequently sanction the opinion that shall have prevailed.

Each minister will apply the decisions of the council sanctioned by me and concerning the administration which is confided to him.

The appointment of mudirs, governors, prefects of police, will be discussed between the minister under whom they stand and the president of the council, and will be submitted for my approval by the president of the council. The minister who shall have under his immediate orders the above-mentioned functionaries shall have the right to suspend them from their functions only after coming to an understanding with the president of the council. Their change or dismissal cannot take place save after an understanding between him and the minister president of the council under my sanction.

The ministers will choose the high *personnel* of their administrations and will submit their choice to my approval. As for secondary offices, a simple ministerial letter or decision will suffice. The action of each minister will be exercised within the limits of his attributes, and the functionaries or employés of each branch of administration shall not have to receive orders but from the chief of the department whereof they are a part, and must obey none but him.

The council of ministers will sit under your presidency, since to you it is that I have given the charge and responsibility of this new organization.

I think that the institution of a ministry possessing these attributes is not outside of range of our customs and our ideas, and is, on the contrary, in conformity with one of the precepts of the holy law. Together with a judiciary organization extended generally [over all classes], this institution suffices to meet the necessities of our social condition and permits the realizing of my firm intentions.

I put all confidence in you for applying the reforms that I have decided upon, and which I hope will give to the land all the guarantees that it has a right to expect from my government.

Believe, my dear minister, in my sentiments of high esteem and sincere friendship.

ISMAIL.

(Inclosure 3 in No. 258.—Translation.)

*Speech of His Highness the Khedive to Mr. Rivers Wilson, vice-president of the high commission of inquiry.*

I have read the report of the commission of inquiry over which you have presided. It is full of details, and if time has lacked you for going to the bottom of several

\* In the French: "solidaires, les uns des autres."

questions, I do not the less heartily thank you and your colleagues, whose departure I regret, because I should have liked to thank them also by the living voice. I hope you will be pleased to convey to them my best thanks.

As for the conclusions at which you have arrived, I accept them; it is quite natural that I should do it; it is I who have desired this work for the good of my land. The thing actually to be done is now for me to apply these conclusions. I am resolved to do it seriously; of this you can be sure. My land is no longer in Africa. We form actually a part of Europe. It is, therefore, natural for us to abandon old errors in order to adopt a new system adapted to our social condition. I believe that in a future not far away you will see considerable changes. They will be more easily brought about than one thinks for.

It is at bottom nothing else but a simple question of legality, of respect for law. Above all, one must not rest satisfied with words, and as for me, I am resolved to seek the reality of things.

In order to begin and show to what point I am in earnest, I have charged Nubar Pasha to form for me a ministry.

This innovation may seem of little importance; but, seriously viewed, you will see that out of this innovation proceeds ministerial independence, and this is no small thing, because this innovation is the point of departure of a radical change of system, and is, in my opinion, the best assurance I can give that I am in earnest in my intentions regarding the application of your conclusions.

You are going to leave us; I hope that you will soon return, but I want you to take along with you the conviction that, if you have had a difficult and trying task, your efforts will not remain fruitless, for you know everything sprouts and ripens fast on this old soil of Egypt.

[Inclosure 4 in No. 258.—Translation.]

*Nubar Pasha to the Khedive.*

CAIRO, August 28, 1878.

MONSIEUR: In conformity with the orders of Your Highness, I have the honor to submit for the approval of Your Highness the following list for the composition of the new ministry:

Presidency of the council of ministers, minister of foreign affairs and of justice, Nubar Pasha.

Minister of interior, Riaz Pasha.

Minister of war, Ratib Pasha.

Minister of wakf and of public instruction and *ad interim* of public works, Aly Pasha-Moubarak.

I beg Your Highness to authorize me to leave vacant, for a little time longer, the so important ministry of finance; this administration will continue under the direction of those actually in charge of it until such time as I shall be in a position to submit for your highness's approval the name of a person who I know enjoys the esteem of your highness and possesses the confidence of the public.

The council will be called to take action upon the ministry of agriculture and commerce; it will decide whether this ministry ought to exist or be transformed into two divisions to be incorporated with one or two ministries. In case your highness approve the composition of this ministry, I pray your highness to be pleased to give your orders accordingly.

I have the honor to be, with most profound respect, Your Highness's most humble, most obedient, and most faithful servant and subject.

NUBAR.

## TUNIS.

No. 531.

*Mr. Heap to Mr. Hunter.*

No. 259.]

CONSULATE OF THE UNITED STATES,  
*Tunis, January 25, 1878. (Received February 25.)*

SIR: I have the honor to report that I have availed myself of the kind invitation of Lieut. Commander H. H. Gorringer, commanding the United States steamer Gettysburg, to visit the western ports of this regency,

and after returning to Tunis to assist at the official court reception on the 16th of December (the Great Bairam), to proceed to the eastern coast to visit the ports on that side of Tunisia.

The Bey having been informed of my intention to make this tour in the Gettysburg, gave particular instructions to the governors and other authorities of the coast towns to receive and treat us with every honor and attention, and to see that we were supplied with whatever we might require.

We sailed accordingly on the 6th December last to the westward, visiting Porto Farina, Bizerta, the island of Galita, and Tabarca. The captain was able to render a service to the Tunisian Government in conveying from Bizerta to the island of Galita some officers and a party of men the Bey wished to send there, and who had been windbound at Bizerta for forty-five days.

Captain Gorringe has submitted to the Navy Department the necessity that exists for a light-house on the island of Galita, which will be the subject of a communication I shall have the honor to make to the department after ascertaining the views of the Bey in the matter.

Having returned from the western coast, I presented Captain Gorringe and some of his officers to the Bey, on the 16th of December, at the grand court reception which is held annually on the recurrence of the festival of Bairam. The court is arrayed with great magnificence, and I was glad the officers were afforded an opportunity of witnessing this splendid spectacle.

On the 21st December I sailed again on the Gettysburg to the eastern coast. When we reached Monastir, on the 24th, the captain was compelled to sail for Malta, as he was getting short of coal. On arriving there on Christmas night and drawing the fires it was found that the boilers and machinery required some repairs, which were not completed until the 7th January, when we sailed for Cape Mesurata, 100 miles east of the city of Tripoli. Thence we sailed westward, touching at every point of the coast which required examination; were detained several days at the port of Tripoli by stormy weather, and finally reached Zerkis, the southernmost town on the Tunisian coast, on the 17th.

When we arrived at Gabes, on the gulf of that name, a party was made up to visit the site of the proposed canal to connect the Mediterranean with the Schotts and Sebkhas of the Great Desert of Sahara, which have been found to be beneath the level of the sea. The party returned after an absence of two days. The weather was excessively cold on the desert, the thermometer falling to 29 degrees. I have already transmitted a report on the project of introducing the waters of this sea into the desert by a cutting at some point on the Gulf of Gabes. Captain Gorringe is preparing a report on the same subject, which will, I think, be found not only exceedingly interesting, but exhaustive. We returned here this morning.

This excursion will, I hope, have a beneficial effect on our interests. The United States flag has been shown at points where it had never before been seen and was unknown, and valuable information and statistics have been collected, which will be useful to our commerce.

The politeness and attention of the authorities of the numerous places we visited on this coast could not be exceeded. Everywhere provisions were sent on board in quantities sufficient to supply the entire crew of the Gettysburg, and nothing we could say could prevent their sending them. Bullocks, sheep, fish, poultry, vegetables, fruit, eggs, butter, milk, &c., were sent in profusion. At Gabes the governor gave his carriage and furnished a number of excellent horses, together with an escort

for the visit to the desert, which I regret I was unable to join. Captain Gorringe will submit to the Navy Department the expediency of making some return for these attentions.

While we were in Malta, General Grant and family arrived in the United States ship *Vandalia*, and Captain Gorringe and I immediately called on the ex-President. When he returned our visit he desired me to inform the Bey that he should visit Tunis in April next. The Bey intends, I believe, to receive General Grant with the same honors with which he has received royal personages who have visited this regency, and to offer him his palace in town as a residence during his stay here.

I am, &c.,

G. H. HEAP.

No. 532.

*Mr. Erarts to Mr. Heap.*

No. 136.]

DEPARTMENT OF STATE,  
Washington, February 28, 1878.

SIR: I have to acknowledge the receipt of your dispatch No. 259, of the 25th ultimo, describing a visit which you made in December last, on the United States steamer *Gettysburg*, to various ports on the Tunisian coast, during which you state that the officers and crew of the *Gettysburg*, as well as yourself, were very hospitably received.

You are authorized to inform the Bey of Tunis that the President appreciates the attentions which were shown to the officers and crew of the *Gettysburg*.

I am, &c.,

WM. M. EVARTS.

No. 533.

*Mr. Heap to Mr. Hunter.*

No. 277.]

CONSULATE OF THE UNITED STATES,  
Tunis, August 2, 1878. (Received August 22.)

SIR: The prime minister has addressed a letter to the consuls relative to the expense of maintaining the light-houses on this coast. There are four light-houses on the coast of this regency, viz: One on the Cane Rocks, opposite to Bizerta; one on Cape Carthage; one at the Goletta, and one on Cape Bon. The minister states that the annual expense of these lights is 45,747 piasters (\$5,398.14), while the total income from light-houses and tonnage dues is 20,400 piasters (\$2,407.20), leaving a deficit of 25,347 piasters (\$2,990.94), and that he is instructed by the Bey to ask that the treasury be relieved of this charge by additional taxation.

Vessels under 36 tons now pay 5 piasters (\$0.59) for the light-house at the Goletta, and those over 36 tons 10 piasters (\$1.18). There is also a tax of  $\frac{3}{100}$  of a franc per ton on all vessels for the light-house on Cape Bon. These are the only light-house dues charged.

It would seem equitable to allow this government to collect by a tonnage or other shipping tax a sum sufficient to cover the expense of all the light-houses on this coast.

A translation of the minister's letter is inclosed.

I am, &c.,

G. H. HEAP.



[Inclosure No. 277.—Translation.]

*The Prime Minister to Mr. Heap.*MAINTENANCE OF LIGHT-HOUSES ON CAPE CARTHAGE, CANE ROCKS, CAPE BON,  
GOLETTA.

HONORED SIR: I am directed by my august master the Bey to call your attention to the expense occasioned by the maintenance of the above-named light-houses. Their total annual expense is a serious item for this government. It amounts to 45,747 piasters.

Taxes are levied for two only of these lights and the receipts are only 20,400 piasters. As there is no charge for the maintenance of the other two lights, the deficit is 25,347 piasters per annum.

The maintenance of these lights being an expense that should be defrayed by the shipping frequenting our ports, His Highness has instructed me to beg you to devise, in concert with your colleagues, some practical measure, either by creating a tax for the two light-houses for which no tax is now paid, or by increasing the light-house dues already established, whereby to attain the end which the government has in view of making the receipts balance the expenditure.

I pray God to have you in his holy keeping.

MOHAMMED.

GOLETTA, 1st *Shabau* 1295 (July 31, 1878).

No. 534.

*Mr. Heap to Mr. Hunter.*

No. 278.]

CONSULATE OF THE UNITED STATES,  
*Tunis, August 13, 1878. (Received August 30.)*

SIR: I have the honor to inclose a copy of the proceedings of a meeting of the consuls to consider the letter of the prime minister, dated 31st July last, in reference to the insufficiency of the light-house dues, a translation of which I transmitted with my dispatch No. 277, dated second instant.

The increase of dues recommended by the consuls will not produce an amount sufficient to cover the annual deficit, which is even greater than that stated in the minister's letter, but will reduce it considerably, and the government will be urged to exercise a stricter supervision over the expenditure, which, it is believed, has been needlessly lavish. They have also been earnestly requested to enjoin greater care in maintaining the lights in a state of efficiency.

Although the Tunisian Government has the incontestible right to modify these dues to suit its own convenience or necessities without consulting the opinion or obtaining the consent of other governments, they are unwilling to adopt the new rate until it has received the approval of the governments represented here.

I am, &c.,

G. H. HEAP.

[Inclosure No. 278.—Translation.]

*Proceedings of a consular meeting on the 8th of August, 1878, to consider the question of light-house dues.*

The dean of the consular corps, Sir Richard Wood, having read a letter from his excellency the prime minister of His Highness, in which the Tunisian Government calls the attention of the consular corps to the precarious condition of the light-house administration, the expenses of which considerably exceed the receipts, and the gov-

ernment is of opinion that the dues at present paid for the maintenance of the lights on the coasts of his states should be increased.

Messrs. Heap and Cubisal, who have examined the question carefully, present a project of reform as follows:

"All vessels anchoring at any port of the regency, including those engaged in the coasting trade, shall pay a tax of 8 centimes per ton measurement.

"All vessels under 36 tons anchoring in the harbor of the Goletta shall pay a fixed duty of 5 piasters.

"All vessels anchoring as above, measuring over 36 and under 100 tons, shall pay 10 piasters.

"All vessels anchoring as above, measuring over 100 tons, shall pay 20 piasters."

This project receives the approbation, *ad referendum*, of all the representatives.

The consul of France makes the following reservation, which is concurred in by the consul of Belgium:

"The Tunisian light-houses, having caused numerous well-grounded complaints on the part of navigators of every nationality, it is to be understood that the concurrence of the two above-named consuls to the proposed increase of dues is given on the express condition that the Tunisian Government shall bind itself to give more efficiency to the light-house service. The dangers to which the negligence of the keepers has exposed navigation fully justify these remarks. In case fresh complaints are made, the consuls of France and Belgium will, on finding them well founded, immediately relieve the persons under their jurisdiction from the payment of all light-house dues in the ports of the regency."

The acting consul of Italy expresses his concurrence in this declaration.

The other representatives declare that they reserve their action in this matter until complaint shall reach them of negligence on the part of keepers of light-houses.

RICHARD WOOD,

*Her Britannic Majesty's Agent and Consul-General.*

CHARLES NYSEN,

*Consul of the Netherlands.*

THEODOROVITCH,

*Consul-General of Austro-Hungary.*

G. H. HEAP,

*Consul of the United States.*

E. CASSAS,

*Consul and Acting Consul-General of France.*

GRANDE,

*Vice-Consul, Acting Consul-General of Italy.*

P. CONVERSANO,

*Vice-Consul, Acting Consul-General of Germany.*

JOSEPH CUBISAL,

*Consul of Belgium.*

TUNIS, August 8, 1878.

No. 535.

*Mr. Evarts to Mr. Fish.*

No. 5.]

DEPARTMENT OF STATE,

Washington, October 23, 1878.

SIR: Referring to the dispatches numbered 277 and 278 of your predecessor, Mr. Heap, in relation to a tax proposed to be levied on shipping by the Government of Tunis for the maintenance of the lights on the coast of that country, I transmit herewith a copy of a letter, under date of the 16th instant, addressed to this department by Mr. Hawley, Acting Secretary of the Treasury, and of the communication of Rear-Admiral Rodgers, chairman of the Light-House Board, which accompanied it, upon the subject.

You will bring to the knowledge of the Tunisian Government the substance of the communication of the Secretary of the Treasury. It is desirable that the proposed tax should, however, have the unequivocal assent of all the foreign powers represented at Tunis, and that, besides being so limited as not to impose any onerous burden on vessels visiting

that country for purposes of trade, it should be stable and not subject to increase. In the somewhat analogous case of the Cape Spartel light on the coast of Morocco, the desired object of relieving the local treasury from the cost of its support was attained by means of an international convention to that end. Although such a course is neither recommended nor advisable in the present instance, it is understood that the action of the Tunisian Government in taxing shipping in part defrayment of the expense of its lights rests on international assent until such time as, in the interests of commerce, it may be wholly done away with.

I am, &c.,

WM. M. EVARTS.

## URUGUAY.

No. 536.

*Mr. Caldwell to Mr. Evarts.*

No. 5.]

LEGATION OF THE UNITED STATES,  
Montevideo, November 15, 1877. (Received December 31.)

SIR: After the failure of the revolutionary movement of last April, some of the leaders have remained in prison awaiting trial, although the chief Rivarola has never been captured.

The most important of these prisoners was Col. José D. Molas, a prominent actor in the assassination of the late President Gill. The advocate or defender of this Molas was Don Facundo Machain, minister of foreign relations under President Gill. For some indiscreet utterances Machain was arrested by the present executive, and had remained in prison several weeks. According to the official account, on the morning of October 29, the prisoners, having corrupted a portion of the guard, and overpowered the remainder, were preparing to march upon the police when they were attacked by a force under the orders of the government, and after a sharp contest were beaten, five of the prisoners being killed, among them Machain and Molas. Some of the government force were wounded and twelve prisoners escaped. On the same day the President in council with his ministers declared martial law for two months. At latest dates the country was entirely quiet.

\* \* \* \* \*  
Señor Machain was a young man of brilliant promise and universally esteemed. He was the plenipotentiary of Paraguay in negotiating the treaty of Buenos Ayres.

Very respectfully, &c.,

JOHN C. CALDWELL.

## VENEZUELA.

No. 537.

*Mr. Baker to Mr. Evarts.*

No. 11.]

UNITED STATES LEGATION,  
Caracas, June 5, 1878. (Received July 1.)

SIR: Deeming the communication of such information to be fairly covered by section XIX of the printed "Personal Instructions to the

Diplomatic Agents of the United States," I have the honor to send to you an account of the earthquake at Cúa, which occurred at or about 20 minutes before 9 o'clock p. m. on Friday, the 12th day of April last.

According to the best information that I have been able to procure, Cúa was a city of some 5,000 inhabitants, situated in a valley of the Andes bearing the name of Tui, and at a direct distance of about 24 miles south by east from Caracas, although the road by which it is approached from the latter city is something near double that distance.

From Prof. Adolph Ernst, of the University of Caracas, who informs me that he reached the scene of the disaster on the 18th of April and remained till the 20th, I learn that the ill-fated city is partly situated upon high ground penetrating into the valley from its northern rim, and partly upon lower contiguous land lying to the east, south, and west, and that the destruction of life and property was very much greater in the former than in the latter portion of the city, a difference which Professor Ernst is disposed to attribute to the different geological formations of the two sites.

The shock was felt at Caracas at or about the same time that Cúa was prostrated, and it was so violent that the entire city was filled with consternation and alarm. Great numbers of the people rushed from their houses and assembled in the plazas, where many of them remained during the rest of the night. The Plaza Bolívar was thus occupied for some time afterward, and many of the inhabitants improvised temporary shelters, either in the court-yards of their houses or other open places, under which they slept. When I drove in to Caracas, near midnight on the 14th of May, among the first and most curious things that I observed in the bright moonlight were long rows of soldiers sleeping on the sidewalk around the Capitol buildings. I was told next day that this was on account of the earthquake, and that the open street was considered safer than the barracks. I observed soldiers occupying the same resting-place for a number of successive nights after my arrival, but they have lately disappeared.

One of the observations which I have made is that native Venezuelans appear to be more keenly alive than strangers to the danger of earthquakes, a curious reversal of the usual rule that familiarity with danger lessens our dread of it, an observation, by the way, which I believe is equally applicable to all countries subject to earthquakes. It is said here that the reason of this is that the natives *know what an earthquake is*, with the implication that strangers do not.

The following paragraphs, which I translate from *La Opinion Nacional*, of Saturday, April 13, will give some idea of the shock of the preceding night, as felt at Caracas, and of its effect upon the inhabitants of the city:

Last night at 20 minutes before 9 o'clock, the bells of the Cathedral gave forth a strange and irregular sound, which caused some people to think for an instant that they had struck a quarter to nine. It was the effect of a violent commotion of the earth, which put the whole city in profound alarm.

In a few seconds another shock was felt, more violent than the first, and like it, of an oscillatory character, according to experts in the observation of these phenomena. Instantly the Plaza Bolívar was filled with hundreds of persons, many of them agitated with terror, and seeking a place of safety in case of a catastrophe. In all the streets there were runnings, outcries, and scenes more or less tragic or comic, although truly enough the thing was not to be taken calmly. Many of the most wealthy families in the city left immediately for their houses in the country; others took the precaution to sleep in court-yards and coaches in the open air; and others finally repaired in great numbers to the Plaza Bolívar, and other public places, where they remained till long after midnight.

Fortunately the dreadful menace was not repeated, and the morning found Caracas wearing her usual aspect.

The following, which I translate from another article in the same number of the Opinion, will give some idea of the considerable range of the earthquake, and of the form in which the first news from Cúa reached Caracas:

Last night the telegraph transmitted similar notices of the shock having been felt at the same hour with great force and causing a great panic among the inhabitants at La Guaira, Puerto Cabello, Valencia, Maracai, La Victoria, and Los Teques. It is known that the inhabitants of none of these towns have suffered any fatal casualties.

Would that we might say the same of other cities and towns situated almost in the immediate neighborhood of the capital, and concerning which rumors were carried in the course of the day which fill the mind with anxiety and distress. Of Cúa especially it is said, in a way which we consider authentic, that the whole city was destroyed by the earthquake, which occasioned great ruin and loss, and what is still more painful, the loss of several lives, only the straw-covered ranches being left standing.

The first direct communication from Cúa which I find appears in the Opinion of Monday, April 15, three days after the earthquake. It is as sententious as the calamity which it announces, and I give it in English, as follows:

Cúa, April 12, 1878.

MEN OF CARACAS: At a quarter to nine Cúa was destroyed by a great earthquake. Tell us what has happened with you. For the survivors.

IDE D. ROO.

The same number of the Opinion contains a communication from Cúa of April 14, addressed by Mr. Genaro Espejo to the cabinet ministers of the government at Caracas; and from this I translate a single paragraph descriptive of the situation shortly after the earthquake.

The situation of Cúa since the occurrence of the great catastrophe is beyond measure frightful and threatening. Consternation and terror reign in the minds of the inhabitants, and it is impossible to portray in its gloomy anguish the affliction and distress of those who have, thanks to Providence, survived the catastrophe.

The Opinion of the 16th of April contains a communication from a commission consisting of Dr. Thomas Lander and General Pablo Manzano, sent by the government to Cúa. It is dated Cúa, April 15, 1878, 7.30 p. m., and is addressed to the cabinet ministers. From this document I translate the following part:

We arrived safely. The spectacle which we behold is disastrous, horrible, indescribable. Where before stood the beautiful, rich, and flourishing city of Cúa, there is now nothing but ruin, desolation, and horror. Only some huts, covered with straw or tiles, or upheld by forks, are left standing in the environs. A great part of the population were buried in the ruins; the rest are encamped in the open air. Many are severely wounded and bruised; everything excites compassion. We repeat to you, the picture is indescribable.

It appears that for some time after the earthquake of the 12th of April (whether the like yet continues to any extent I am not informed) Cúa was subject to considerable subterranean agitation, repeated at intervals, and this will explain the "threatening" aspect of the situation referred to above. Concerning this feature of the general phenomenon, I translate the following from the document last above quoted:

Last night at a quarter past nine distant sounds were plainly heard at this place similar to the reports of cannon discharged at successive instants. At a quarter past eleven there was a forcible, loud, and prolonged earthquake, since which there has been another, less intense.

It appears, also, that the earthquake has produced considerable physical changes upon the surface of the earth in and about Cúa. In illus-

tration of this, I translate from an editorial of the *Opinion* under date of April 15:

On the other hand, report is made of some particular phenomena which have manifested themselves within the radius of Cúa; such as the sudden suppression of a sulphurous fountain, and the appearance of others; the extraordinary increase of the rivulet Quebrada de la Magdalena in the country outside of the city, and which before had scarcely supplied a thread of water; and the appearance of fissures in various directions, which are most notable in the highway.

The following paragraph, which I translate from a communication of Professor Ernst, as it appears in the *Opinion* of April 22, and written on his return from Cúa, may afford some scientific idea of the general character of the phenomenon:

The details of the earthquake are already sufficiently known. The shock came from the east-northeast, at an angle of about sixty degrees of emergence, as shown by the fractures in various walls which were not entirely overthrown. The center of the commotion was the elevated portion of Cúa. The houses in the lower part (Lemon, Cruz Verde, and the streets leading to San Casimiro and Chupulun) have suffered comparatively little. In regard to the time of the disaster, nothing can be determined with accuracy. Many say it was thirty minutes after eight; but this cannot be, since the shock was felt at Caracas at forty-one minutes after eight, and the wave of the earthquake would have traversed the distance between Cúa and Caracas, which is scarcely eight leagues, in about two minutes.

In going from Cúa, no matter in which direction, a rapid diminution is observed in the intensity of the disaster. This is especially observable in Charayare. The area of destruction was, therefore, of very limited extent, a circumstance which contributes no little to the great scientific interest of this earthquake. I do not find many instances in the history of seismic commotions, in which so disastrous a catastrophe was limited almost to a single point.

As to the loss of life it is difficult, perhaps impossible, to get exact statistics. In the article just quoted, Professor Ernest says that perhaps the number of victims would reach four hundred, or 13 per cent. of the population; and he tells me that he thinks a still larger number were badly hurt; hence, we may suppose that about one-fourth of the entire population of the city were either killed outright or severely injured.

Mr. Charles A. Reyes, of this city, who informs me that he visited Cúa on the 17th of April—five days after the earthquake—says that some of the bodies of the victims were then being burned, and that the air in some of the streets was very offensive.

It seems that the curious social law that great calamities (whether in the form of war, famine, pestilence, conflagration, or earthquake) are associated with a tendency to a sudden increase of crime, held good in the present case. I am told that the tendency to increased lawlessness manifested itself in the midst of the desolation and ruin of Cúa, but that the intervention of the authorities held it in check.

I have only to add that, according to my information, government, church, and citizens united with praiseworthy liberality in forwarding aid to the sufferers. President Alcantara visited Cúa in person; food, clothing, money, medical stores, and assistance were hurried forward to the scene of the disaster; and, I am told, it is proposed to found an asylum for the orphans of Cúa at Caracas.

I have, &c.,

JEHU BAKER.

P. S.—Imperfect as the foregoing account may be, it is for the most part purposely written in the very language of cotemporary documents, and it is certainly the more accurate and reliable for being so written. The phenomena are clearly of scientific and popular interest, whether viewed in their physical or social aspect.

No. 538.

*Mr. Baker to Mr. Evarts.*

No. 22.]

LEGATION OF THE UNITED STATES,  
*Caracas, July 25, 1878. (Received August 15.)*

SIR: I have the honor to report that the Fourth of July was duly respected by the Venezuelan Government, and by the representatives of other nations present in this capital.

As an indication of the appreciation of the greatness of the United States, which I find here, and of the friendly feeling of this country for ours, I have thought it worth while to send nearly the whole of two editorials which appeared in the *Opinion Nacional* of the 4th instant; the one devoted to our day of Independence, the other to that of Venezuela—which is the 5th of July. The editor's view of the causes of the difference which he recognizes between the United States and the South American Republics, is, in my judgment, philosophical and sound—as far as it goes—and well worthy the attentive consideration of any one who wishes to form a rational idea of the two phases of society. From the editorial on the 4th of July I translate as follows, viz:

*Fourth of July.*—This date represents the origin of the Republic on the American continent. On this day the thirteen British colonies, situated in the North, declared their independence of England, and laid the first stone in that temple of popular sovereignty which has since multiplied its columns and extended its arches to the remotest confines of the hemisphere, offering shelter beneath its immense dome to every race and people.

The subsequent rebellion of the countries situated to the south of these progenitors of the new political condition of nations, was a phenomenon of the same nature, as the constitutions which they have adopted have likewise been identical.

Both revolutions and their harmonious results form parts of one and the same important historical evolution.

To-day is the grand anniversary of the glorious epoch of the year 1773, and the great American people which constitutes the United States of the North celebrate it with justifiable enthusiasm, and with the consciousness of its immortality in history.

That day being taken as a starting point, and in view of the immense progress this race has accomplished, of the position which it has reached among the family of nations, and of the edifying example which its existence, its prosperity, and its civilization presents to the world, the problem of the social and political organization of nations is solved in favor of liberty, of republican government, of democracy, and of all the great principles which are consecrated by modern ideas of right.

In less than a single century the American people have attained in certain respects a predominance and a grandeur which has placed them in the first rank even compared with the oldest nations of Europe.

Rich, free, happy, great, and incessantly progressive, the American people have triumphantly vindicated liberty and republican government, and they celebrate with abundant reason the glories of their fruitful emancipation.

So far for the 4th of July. From the editorial on the 5th of July, I translate as follows, viz:

*Fifth of July.*—If the grand celebration of the new political life of the continent began in the North on the 4th of July, 1776, the 5th of July, 1811, set the final seal on the liberty of the hemisphere of Columbus; for the cry of redemption, which arose on that day from the benches of the revolutionary Congress of Caracas, extended its echoes across mountain ranges, inaccessible heights, and profound abysses, arousing from their sleep of servitude the kindred peoples who still remained like ourselves, in the sad condition of colonists.

Neither the school in which our race was formed, nor the special circumstances which fell to our lot, have permitted these nationalities to reach the degree of elevation which was attained by the North Americans after sixty years of independence. But no one is bound to perform miracles, nor do we lack ample reason to be proud of our progress, if we take into consideration the road over which we have traveled, and make an impartial comparison of our colonial condition with our present one.

We have not crossed the country with railroads, nor conveyed the telegraphic wires

over plains and mountains, nor caused our seas to swarm with vessels, but we have conquered prejudices, obliterated privileges, destroyed sophisms, cleared away superstitions, removed fanaticism; in a word, lifted from our shoulders that oppressive moral burden which weighed upon us even more heavily than the material servitude to which we were subjected by the laws of the metropolis; and, establishing the equality of men, recognizing right as the rule for all citizens, founding democracy and emancipating the mind, we have accomplished a great and most noble task, which constitutes the credentials which we present to the world, saying we have fulfilled our duty. When once the cry of liberty was raised, and the recognition of independence obtained through success of arms, the situations in which the North and the South were placed by their circumstances were very different. The efforts of the former could be immediately directed to the elaboration of its future civilization from the favorable elements with which they were surrounded; whilst we were obliged to begin by destroying all the adverse germs which had descended to us as an inheritance, and, after these were removed, to create upon their foundations those which we had to employ in the great work of the social and political regeneration of these nationalities. Thus the effect ought not to be measured by a comparison of the point arrived at, but by a comparison of the point of departure, in deciding whether or not the task has been meritorious, the work fruitful, and the results obtained in the contest worthy of applause and of a crown of honor.

I have, &c.,

JEHU BAKER.

No. 539.

*Mr. Baker to Mr. Evarts.*

No. 37.]

LEGATION OF THE UNITED STATES,  
Caracas, August 14, 1878. (Received September 23.)

SIR: As coffee ranks as the leading staple of Venezuela, and as the abundance or shortness of the crop grown here not only affects the business interests of this country very seriously, but also enters as a factor of more or less moment into an important branch of the world's trade, I have thought it might possibly be of some practical use to send such general and proximate information as I have been able to gather respecting the Venezuelian coffee crop of last year and this.

I will premise by saying that, as I am informed, this crop is gathered in Venezuela for the most part during the months of December and January, ripening in some localities earlier, in others later, according to altitude and probably other physical conditions.

1. The crop of last year—that is, the one gathered mainly during December and January last—was, I am informed, to a considerable extent a failure, owing to unseasonable rains during or about the time of gathering the crop. I am told that this failure did not consist in a shortness of quantity, but in an impairment of the quality, which materially had a damaging effect upon the price, and that, in the aggregate, the extent of failure on this account may be set down at about 25 per cent.

2. As to the crop of this year—that is, the one to be gathered mostly in December and January next—I am informed that it promises so far to be good as to quality, but short as to quantity, owing, I understand, to insufficient rains early in the season. It is said that in some localities the deficiency will be very great, in others much less so, and that for the whole republic the falling off for the reason stated will probably be about 20 per cent.

These approximations are of course rather vague, and I only give them for what they are worth. In this connection I will add an editorial



from La Opinion Nacional of the 31st ultimo, in relation to the present coffee crop of Brazil. This will be excusable, inasmuch as the information, purporting to come from Brazil, is reproduced here with editorial comments that may be worthy of attention. I translate the editorial in question, as follows:

## COFFEE.

A friend has communicated to us advices from Santos, in a letter bearing date of June 10, in which very judicious estimates are made respecting the present crop of Brazil, which being judged in Europe according to the appearance presented by the flowering, had been believed to be enormous, and even to amount to more than five millions of sacks of 60 kilograms each.

This statement, which is undoubtedly erroneous, has, notwithstanding, influenced the tendency to a fall in the price of coffee; but now that the reality of the probable exportations from that source has already become palpable, these being so weighty in commerce, it is evident that the tendency will be to an advance, and that in the end coffee will bring remunerative prices.

According to the letter alluded to, the exaggeration is two millions of sacks of 60 kilograms each, inasmuch as the plantations have suffered much from droughts, and from the general practice of bad cultivation, under pretext of economy,

It also appears certain that some of the great speculators in Europe propose to play for a decline in prices, availing themselves of exaggerated reports in order to derive profit from the difficulty of receiving authentic proofs from the remote places of production.

But the matter is already clearly understood, and in proof of what we have said may be seen a letter from Rio de Janeiro, of date June 1, published by the Diario de Aviso.

It says, in conclusion:

"In short, then, we believe that the exportable quantity of coffee from July, 1878, to July, 1879, will not exceed 3,200,000 sacks, and to reach even that it will be necessary to take 4,000,000 sacks as a point of departure (a very respectable figure) and afterward to subtract:

	Sacks.
"Ten per cent. deficit for the drought.....	400,000
"Old coffee which is not sold .....	300,000
"Difference in lower Sierra .....	100,000
"(Exportable) balance .....	3,200,000

"The entries of the first month after July will be abundant, for the small proprietors have need of money, and as they have railroads, they can send their coffee to the city promptly; but the accumulation of coffee produces bad account sales, and the entries very soon become proportionate to the necessities of the market.

"In short, it is not probable that the quantity of exportable coffee much exceeds that of the past year, nor that the price will be lower."

I only remark that the same cause, viz, *too little rain*, is assigned for the alleged impairment of the present coffee crop of Brazil, and the prospective one of Venezuela, while *too much rain* is said to have been the cause of injury to the last crop of the latter country.

I have, &c.,

JEHU BAKER.

No. 540.

Mr. Baker to Mr. Evarts.

No. 38.]

LEGATION OF THE UNITED STATES,  
Caracas, August 16, 1878. (Received September 23.)

SIR: It may be of some practical use to give a general indication in relation to the existing status of business and industry in this country—in their relation to activity or depression. A just general conception of this character is likely to be of much moment to those who may at the

present time contemplate coming to Venezuela with the view of engaging in business or labor.

From all I have observed and heard and read on the subject since my arrival here, I think it is fair to say that times are decidedly dull in this country, and I hear the opinion expressed that relief will not come until after a good coffee crop.

As some indication of the condition of a portion of the country, I translate part of a communication from a gentleman of the name of B. Tió Segarra, as the same appears in *La Opinion Nacional* of the 12th instant:

*The condition of the west.*

Within a period of three months we have traversed the greater part of the States of Yaracui and Barquisimeto, from the river which bears the name of the first State to the important department of Toneyo. Being attached to Venezuela by ties of sincere fraternity, we could not be indifferent to the situation of those people, bowed down by the oppressive weight of their insupportable financial condition, and by the political agitation in which they find themselves plunged, hoping solutions which may mark out a secure channel for the ship which is to convey us to smiling and tranquil shores.

Oppressed by the lack of pecuniary resources with which to meet the dangers of a situation that is as oppressive in peace as irresistible in war, they live day by day a languid life, without taking one step in advance, fearful of the obstacles which are encountered while groping in darkness by unknown paths.

And this bad general condition necessarily affects all classes of society, from the poor day-laborer, who lives by his toil or his industry, to the money-changer, who is the first to close his coffers when the slightest uneasiness supervenes in the country.

The agricultural classes, being greatly straitened by the scantiness of their harvests and the ruinous price of their productions, especially coffee, without hope that the next crop will at least make good their past losses, having to submit to the taking of onerous loans in order not to be completely ruined, find themselves weighed down by that sad discouragement which is a precursory sign of decadence.

Commerce, which is supported by the productions of agriculture, gives no signs of life, and the establishments remain without any mercantile transactions; credits are at an end, and the evil increases, and hence those conflicts which put the merchants in a condition of not being able to meet their engagements. Any accusation, therefore, which is made against the respectable mercantile body of the west is unjust; the general crises in which they find themselves involved can alone determine those cataclysms which at all times and in all countries have been fatally inevitable.

I am told that the condition of things is not so bad in the east and south as in the west; but my understanding is, that for the republic in the aggregate, times are hard, and that in this respect Venezuela takes her place among the many other nations that are experiencing business prostration—thus helping to illustrate that law of consentaneousness, an outgrowth in great part of modern intercommunication, by which prosperity or depression is not confined to any one country, but cause their effects to be felt almost simultaneously throughout the industrial world.

If I were to make a single practical suggestion, in the nature of counsel for others, it would be—not in general terms to abstain from coming to Venezuela—but to be specially and definitely advised in advance as to objects, ways and means, and in no case to proceed upon vague and indefinite views.

I have, &c.,

JEHU BAKER.

---

No. 541.

*Mr. Baker to Mr. Evarts.*

No. 46.]

LEGATION OF THE UNITED STATES,  
Caracas, September 11, 1878. (Received October 4.)

SIR: It is interesting and instructive in itself to know how the popular writers of one nation appreciate another; and having been struck by

an editorial which appeared in *La Tribuna Liberal* of the 7th instant—the independence day of Brazil—I have thought it not amiss to communicate some portions of it, as tending to help in some degree to an accurate general idea of the political condition of the South American states. I translate from the editorial in question, as follows:

*Independence of Brazil.*

To-day, the 7th of September, twelve millions of Brazilians celebrate the anniversary of the independence of their country. It is the most glorious souvenir that a people can recall; and much the more glorious, if, as in the case of Brazil, it is permitted to present itself on this day before the other nations of the world with fruits of civilization, of wealth, of progress, and of liberty, gathered in a half century of the wisest use of the supreme right of sovereignty.

The Portuguese colony numbered little more than three millions of inhabitants when it broke the ties which united it to the Metropolis. In fifty-seven years it has quadrupled its population, a phenomenon which neither France nor England has ever seen, and the likeness of which is only met with in the United States of the North. It has increased the amount of exportable coffee produced within its borders to the enormous figure of four millions of quintals, besides producing a great quantity of indigo, dyewoods, and other things in which that fortunate soil abounds; and it has an annual public revenue of sixty millions of pesos.\*

The eminent qualities of Dom Pedro II are known to the intelligent and political world. He is a wise king, a philanthropic citizen, a great philosopher crowned. He has realized in his empire that which has been believed to be utopian in other monarchical countries—that is, true constitutional monarchy, and harmony between order and liberty.

In political matters Brazil has advanced very much. Her press is very free, as is her Parliament; and profound respect is observed for the supreme right of opinion, and even for the interests of party. In civilization Brazil has made great progress. She has numerous educational and charitable establishments, and a desire to enlighten the people and to lighten their burdens is everywhere seen. As a military power she possesses powerful land and naval forces, and her dock-yards are considered the best in America.

It is incredible that a people governed by monarchical institutions should have increased and prospered so much in South America—on this continent, which we have always called the world of liberty and of republics. This is because there is no monarchy in Brazil except in name—institutions of the country being in practice most thoroughly democratic. On the other hand, many other South American nations bear the name of republics, and are governed by the caprice of successive autocracies when they are not devoured by anarchy.

It is glorious, therefore, for these twelve millions of Brazilians, South Americans, brothers and neighbors of ours, to commemorate at this time the great day of their independence; they can say with pride that they have made a worthy use of so sublime a conquest, and that in peace, in repose, in industry, in the prudent labors of policy, they have formed a strong, enlightened, prosperous, and great nationality, with an immense future before it, and a history of but few pages, but all of them glorious in the eyes of civilization and philosophy.

This is a great day for Brazil; and it should be also for all South America, which ought to study in this model people the science of harmonizing order and liberty, and with it the secret of a fruitful peace—the only thing that our impoverished and unquiet democracies need, in order that the continent may be peopled with free, happy, rich, and powerful nations.

The side-light shed by this article in its casual allusions to some of the South American republics, brings to view their main trouble.

I have, &c.,

JEHU BAKER.

\* The Venezuelan peso equals, as I understand, 80 cents in silver, and 7 per cent. less in gold.—J. B.

No. 542.

*Mr. Baker to Mr. Erarta.*

No. 47.]

LEGATION OF THE UNITED STATES,  
*Caracas, September 13, 1878. (Received October 4.)*

SIR: In referring to my No. 38, I further send parts of an editorial from *La Opinion Nacional*, of the 30th of August last past, as tending to help to a just idea of the present condition of Venezuela. I translate from said editorial as follows:

*Let us see clearly.*

Letters which we have just finished reading from Puerto Cabello complain bitterly of the tremendous financial crisis through which the country is passing, and which exhibits itself in that locality with awful menaces of ruin and misery, notwithstanding the fact that port has always been an emporium of wealth, activity, and life.

It neither can, nor in truth ought to be concealed, that the financial situation of the country in general grows more distressing every moment. To conceal it would be treason to our duty, and would place us in the hypocritical ranks of those who, yielding perhaps to secret designs of hostility to the present administration of the republic, cover the brink of every abyss with flowers, in order to lead its steps unconsciously to the precipice.

Such situations are always a grave danger to governments; for the generality of citizens do not pause to study the true causes of the evil; and as it is a habit of these people to expect everything from the authorities—to be never more prompt than when charging them with the sufferings which they endure—they notwithstanding show themselves obstinate when they ought to credit the authorities with the benefits which they receive. The evil condition is felt, and is imputed simply to the government, as the most natural thing in the world. This is a fact, wrong as it is.

Such a state of things, then, involves serious danger to the public order.

We speak our true sentiments with that frankness, loyalty, and honesty in which we glory, inspired always by the most disinterested patriotism.

If we reflect dispassionately, we shall see that the causes of this critical financial situation are clear, evident, and tangible.

The low price of coffee in the European markets coincidently with the scantiness of the last crop is notorious, and nobody is ignorant that coffee is the first source of our national production. This deficit of production, aggravated by the lowness of its value, has diminished our circulating wealth to the extent of five or six millions of pesos,\* and has necessarily produced perturbations of fatal consequence in the operations of credit.

One of these has been the necessity under which merchants have been of making exportations in coin in order to meet their engagements abroad; so that a sum of not less than three millions of pesos in gold coin has left our ports, which is thus removed from circulation, and which has deranged exchanges. Far from being exaggerated, this figure is a moderate one, since, according to our information, the sum of one million and a quarter of pesos in coin approximately has been sent abroad from the custom-house at Puerto Cabello alone.

We may mention another cause, viz, the competition which contraband trade has been carrying on with honest commerce on the entire Venezuelan coast ever since—the ports of the west being opened—no care has been taken to establish coast-guards, and the active and faithful watchers which have been constantly required by those ports, always so prone to encourage smuggling.

To these causes is to be added the remarkable diminution of imports, especially during the past few months, a necessary consequence, on the one hand, of the deficit of production, and on the other of the menaces to, and even the real perturbation of, the general tranquillity which we have just witnessed; these combined evils have given rise to the alarming crisis which is experienced throughout the country, and even in this capital have terrified the minds of men by the proportions which they really assume, and by those which are attributed to them by disordered imaginations.

The causes stated in the preceding extracts for the existing business stringency in Venezuela, are, I think, substantially well put as far as

\* The peso being 80 cents in silver.—J. B.

they go. The gravest feature of the case is the intimated dangerous relation of the prevailing hard times to public order.

I have, &c.,

JEHU BAKER.

No. 543.

*Mr. Baker to Mr. Evarts.*

No. 57.]

LEGATION OF THE UNITED STATES,  
*Caracas, October 24, 1878. (Received November 18.)*

SIR: I send herewith a decree of the President of Venezuela, convoking a convention, to meet in Caracas, on the 10th of December next, for the purpose of changing the present constitution of the republic—that of 1874—and looking to the revival of the constitution of 1864, together with an accompanying address of the same functionary, as the same appear in the *Gaceta Oficial* of the 16th of September last past, as also a translation of these documents.

I have, &c.,

JEHU BAKER.

[Inclosure in No. 57.—Translation.]

*Decree of the President of Venezuela convoking a convention to meet in Caracas.*

[From the *Gaceta Oficial* of September 16, 1878.]

Francisco Linares, Alcántara Constitutional President of the United States of Venezuela, &c., &c., &c.

1st. Whereas the people of Venezuela, through numerous societies, their municipal councils, and through the legislatures of the States, have directly manifested their irrevocable will to reconstruct the federal compact of the union on the basis established by the very liberal constitution of 1864; and

2d. Whereas the citizens, called by the law to exercise the right of suffrage, have publicly and solemnly refused to elect the future President of Venezuela and the deputies and senators who should constitute the ordinary congress of 1879; and

3d. Whereas the entire population of the republic has urged the national executive, ever since the beginning of this year, to convoke a national constitutional assembly in order to put in force the constitution of 1864; and

4th. Whereas, if resistance on the part of the government to the will of the people should longer continue, there would evidently ensue a disturbance of the public peace as the inevitable consequence of the vacancy of the supreme national officers on the 20th of February next; and

5th. Whereas, under circumstances so extraordinary, the measure which the government adopts with the patriotic design of satisfying the public expectation, far from being considered as an attempt to usurp the rights of the country, must merit the most honorable verdict of the present and future republican-democratic generations, in view of the self-denying submission of the government to the inherent sovereignty of the people who control its fate, and who are the sole arbiters of its destiny: Therefore,

#### DECREE.

ARTICLE 1. I hereby convoke the National Constituent Assembly demanded by the people of Venezuela.

ARTICLE 2. This assembly will be composed of deputies whom the country will choose by direct vote and as each State may determine.

ARTICLE 3. Each State will send to the National Constituent Assembly as many deputies as it sends senators and deputies to the Constitutional Congress.

ARTICLE 4. The federal district will choose also by direct vote, and as its municipal council may determine, two deputies to the National Constituent Assembly.

ARTICLE 5. The National Constituent Assembly will meet at Caracas on the 10th day of December of this year, in commemoration of the glorious battle of Santa Ines, the classic day of the Venezuelan Confederation.

ARTICLE 6. The minister of the interior will present to the National Constituent Assembly all the petitions which have been sent to the national executive by the people, the parochial juntas, the municipal councils, the legislatures, and the governments of the States, in order that that sovereign body, by virtue of its powers, may resolve what it thinks best for the order, the peace, the liberty, and the radical principles of the democratic republic which is the ingenuous and constant aspiration of the liberal cause in Venezuela.

ARTICLE 7. The national executive, for himself and for all his officers in the nation, solemnly ratifies his oaths to fulfill and to cause to be fulfilled the constitution of 1874, now in force, until the States of the Union, by means of their deputies united in National Constituent Assembly, shall relieve them of their oaths reforming totally or partially the institutions of the country.

ARTICLE 8. The traveling expenses and pay of the deputies to the National Constituent Assembly will be paid by the public treasury, as provided by the law now in force in relation to the traveling expenses and pay of members of Congress.

ARTICLE 9. The ministers of the cabinet are charged with the execution of this decree in the part which corresponds to each one.

Given, signed with my hand, and sealed with the great seal of the national executive, and countersigned by all the ministers of state in the Federal Palace, at Caracas, on the 12th of September, 1878 (15th of the law, and 20th of the federation).

FRANCISCO L. ALCÁNTARA.

Countersigned:

The minister of state in the department of interior relations (minister of interior),  
L. VILLANUEVA.

The minister of state in the department of foreign relations,  
T. CÉLIS AVILA.

The minister of state in the department of finance,  
JOAQUIN DIAZ.

The minister of state in the department of war and marine,  
RAFAEL CARABAÑO.

The minister of state in the department of commerce, agriculture, &c.,  
J. R. PACHANO.

The minister of state in the department of public credit,  
J. A. ZAPATA.

The minister of state in the department of public works,  
CARLOS ARVELO.

Francisco Linares Alcántara, Constitutional President of the United States of Venezuela.

VENEZUELANS: Respecting your will and obeying your mandates, I have signed the decree convoking the National Constituent Assembly which you have demanded.

In thus submitting to your inherent sovereignty, I have fulfilled a patriotic duty, and another no less great as a democratic republican.

The philosophy of history will say whether I have been permitted to act otherwise.

It has been neither possible nor proper for me to vacillate between my personal sacrifice and the immolation of my country.

Modern civilization recognizes it as a great duty, sacred and transcendent, to assist the people, from the elevated heights of public power, in accomplishing pacifically and conscientiously their most radical evolutions in the progressive development of their destiny.

Since my advent to power, by the will of the nation, I have taken care, with solicitous anxiety, that the public conscience should encounter no obstacle in its manifold and ingenuous manifestations, and therefore there was no cause for surprise that I left to thought ample and free space to develop itself with entire independence.

The country being free, the press without fetters, the freedom of speech guaranteed, it has been easy for every citizen to express freely his ideas, and in them his purified aspirations. Things being thus, and the field of election open with ample liberty, the people commenced early this year to send in petitions to the government, praying for the convocation of a national assembly to reconstruct the compact of the Union on the basis established in the immortal constitution of 1864. Thus, in this sense, all the

communal boards, all the municipal councils, the legislatures and the governments of the States, the press with its thousand organs of publicity, and with it a great majority of the legislative chambers of the last Constitutional Congress, have expressed themselves spontaneously. So that it may be asserted that there is no town or village in the republic where most solemn meetings have not been held petitioning for the revival of those sacred institutions of the country which cost five years of supreme struggles and bloody sacrifices.

Beset and borne down, I nevertheless resisted the increasing pressure of the country as a faithful upholder of the constitution which I had sworn to defend.

Furthermore, I desired to await the period fixed by the law for the election of a President of the republic and members of the National Congress; and, although the constitutional guarantees were carefully observed by the executive, no citizen presented himself to vote, as if the country had desired to ratify its pronunciamientos by abstaining from choosing the supreme national officers, who were to be inaugurated on the 20th of February, 1879.

In presence of this attitude of the country, as firm as it is imposing; before its inexorable mandate; in view of the awful anarchy into which we would fall in awaiting the constitutional period; and fearing that the people, irritated as on other occasions, might seek by means of arms that which they could not obtain in peace, I have, compatriots, necessarily had to assume the tremendous responsibility of complying with your wish.

You are now to choose your deputies in order that, united in constitutional assembly, on you may devolve the institutions of the Liberal cause, and I may be relieved from the oath which I took before Congress to execute and to cause to be executed the constitution of 1874, which is in force. Till then, I shall hold myself bound by my vows, and will defend this constitution with all the prestige of the government and with all the force of arms; for no human power can force me to prove false to my oaths.

I recognize that the people are omnipotent in a republic and the sole arbiters of their destinies, and that they may do what they consider right in the exercise of their inherent sovereignty. I recognize that the people may make and unmake institutions and create and overthrow governments. But the people thus great, powerful, invincible, cannot release me from my oaths, cannot absolve me from my vows except in two ways—either by force of arms, shedding all my blood upon the altar of my country, where I guard and safely preserve the book of her institutions, or by the irresistible force of public opinion, which conquers me and carries me captive before their legitimate representatives.

And for the reason that I offer myself as a holocaust in order to facilitate to the people the mode of accomplishing in peace the transcendent and historical evolution of changing their institutions, the people should give me all their support in order to preserve me faithful to my oaths, and to proceed worthily of themselves and worthily of the liberal idea, that sublime religion of modern nations to which I have consecrated all the years of my existence.

Fellow-citizens, I have remained alone defending the constitution of 1874. I declare myself your prisoner; have compassion on me, for I am the only one among you to whom it is not permitted, without the express order of the sovereign, to proclaim the force of that constitution, for which I shed my blood in the war of the federal cause.

Fellow-citizens, your desires are satisfied. Be free and happy in the bosom of peace. The evolution which you are consummating has had no equal in the past. Neither in the Old World nor in the New have nations ever succeeded in changing their institutions without the disasters of civil war. It was reserved for this great people—for this virtuous people—the initiator of South American independence, to give now the surprising example of advancing along the road of progress and perfecting their institutions without shedding one drop of blood. I devoutly hope that the new generations may imitate you, and that the expedient of civil wars may remain buried in Venezuela and entombed forever.

The decree being promulgated and submitted to your wish, it only remains for me to pray that you have proper elections worthy the civic cause which you have crowned with unstained victory.

Fellow-citizens, the radiant sun of the 10th of December will illuminate with magnificent glory your meeting in National Constituent Assembly. That will be the day of my redemption; for on that day will devolve entirely upon you the power which overwhelms me, in order that you may commit it to whom you may believe most worthy.

In the mean time, Venezuelans, I swear to you that I will preserve the peace, that I will cause your rights and guarantees to be respected, and that I will protect society in its interests and in its privileges.

Caracas, 15th September, 1878.

FRANCISCO L. ALCÁNTARA.

No. 544.

*Mr. Baker to Mr. Evarts.*

No. 59.]

LEGATION OF THE UNITED STATES,  
*Caracas, October 29, 1878. (Received November 18.)*

SIR: As tending to help toward the formation of an idea of the climatology of this country, it may be worth while to transmit a brief account of a notable rain-fall which occurred here on the afternoon of the 3d instant. I translate and incorporate the following extract from the report of the session of the 7th of the present month, of the Society for the Promotion of Physical and Natural Sciences (*Sociedad de Ciencias físicas y naturales*), as the same appears in *La Opinion Nacional* of the 22d instant, premising that this part of the report is to be credited to Señor Ledo Aveledo.

On the 3d of October, at half after 1 p. m., it commenced to rain without interruption, until 3 p. m.—105 millimeters (4.13 inches) having fallen in this time, which is about the eighth part of all the water that on an average falls annually in Caracas.

From the 1st January, 1868, from which our observations date—the pluviometer has never gathered a greater quantity in an equal time.

The fall in an hour and a half of one-eighth of the annual quantity of water brings to view a true tropical rain. This rain as I understand was quite local; it did considerable damage to streets, bridges, &c.; some houses were flooded, a few others were undermined; several persons were reported drowned, and the rain was accompanied for a short time with *hail*, a phenomenon which it appears from the same report previously took place at Caracas on the 16th of September, 1874.

Apropos of the *cause* of hail, I think it worth while to also translate and incorporate the following observations from the same report, to be credited in like manner to Señor Ledo Aveledo:

Concerning the hail which fell in Caracas on the 16th of September, 1874, we then wrote the following:

As is known, hail has an electrical origin, since it never falls except during tempestuous storms.

Facts tend to demonstrate that the phenomena of heat, light, electricity, and magnetism recognize one and the same cause, these phenomena being only different manifestations of the same agent.

May it not be supposed that a part of the heat of the atmosphere is transformed into electricity, and that the absence of said heat occasions greater condensation of the vapor of water, causing an increase of rain, this being observed to increase immediately after flashes of lightning?

Perhaps, then, the phenomenon of hail may be explained by supposing the strata of air which the rain traverses to have fallen to a temperature below zero, and to have congealed the drops of water.

It is interesting to observe that we here have from a Venezuelan physicist an opinion concerning and an apparently plausible application of the new and very important theory of the "correlation and conservation of the physical forces." I understand, however, from Prof. A. Ernst, of the University of Caracas and president of the above-named society, that this application of the theory was previously propounded by Herr Baumgärtner, of Vienna.

I have, &c.,

JEHU BAKER.



No. 545.

*Mr. Baker to Mr. Evarts.*

No. 60.]

LEGATION OF THE UNITED STATES,  
*Caracas, October 30, 1878. (Received November 18.)*

SIR: Day before yesterday, the 28th of October, was the national festival of Venezuela in commemoration of Bolivar. This was not the birthday of the Liberator (Bolivar was born July 24, 1783), but, as I understand, the day of his patron saint, Saint Simon, and as such set apart in honor of the dead, conformably to the genius of the nation. The city was illuminated on the preceding evening, as also on the evening of the festival; flags were displayed in large numbers throughout the town, fireworks were set off on a considerable scale, and the Pantheon, an edifice in which the nation's eminent dead are gathered, was opened to those who desired to visit the tomb of the Liberator.

The Plaza Bolivar was on this, as on other occasions, the center of public reunion and display. This plaza is situated in the immediate neighborhood of the Casa Amarilla, or the Yellow House, in which the President resides. It is interspersed with trees, shrubs, fountains, and lights, and is well supplied with seats for the accommodation of visitors. In the center of the plaza stands an equestrian statue of Bolivar, supported upon a pedestal of granite, surmounted by a beautifully wrought and polished superstructure of dark-colored syenite. This work, I understand, was done in Europe, and I suspect it may be superior, as a work of art, to anything of the sort we have in Washington.

Our flag was, of course, displayed on the occasion, and I send herewith a copy of the note in the premises which I received on the 26th instant from the ministry of exterior relations, together with a translation of the same.

I have, &amp;c.,

JEHU BAKER.

[Inclosure in No. 60.—Translation.]

*Note from the ministry of exterior relations.*

The minister of foreign relations of the United States of Venezuela has the honor to inform the honorable minister resident of the United States, that Monday, the 28th instant, is the day of the national festival commemorative of the liberator, and that for this reason the flag of the republic will then be displayed at the federal palace.

Caracas, October 26, 1878.

Hon. JEHU BAKER,

*Minister Resident, &c., &c., &c.*

# ALPHABETICAL INDEX.

NOTE.—The page number refers to the page upon which the dispatch or paper begins in which the subject referred to is discussed.

## A.

	Page.
Acapulco: The firing upon Consul Sutter's flag; regret expressed by Mexico; report of investigation .....	580
officer in command of fort at time to be tried by court-martial .....	580
Admeasurement of vessels—the Moorsom system:	
The Netherlands: adoption of system; basis for reciprocal acceptance of certificates proposed .....	703
Treasury reply: no change in regulations necessary to insure reciprocal acceptance of certificates .....	706
Netherlands decree exempting American vessels from readmeasurement..	707
reciprocal exemption accorded in our ports .....	708
Spain: adoption of Moorsom system .....	764
certificates of, to be accepted if total tonnage be expressed; readmeasure- ment only as to exemptions contrary to American law .....	774
American and Spanish system of record different; difference explained..	787
report of Consul-General Hall as to excessive tonnage tax imposed in Cuban ports through readmeasurements .....	768
temporary arrangement as to acceptance of certificates in Cuba .....	768
necessity of agreement to reciprocally accept certificates indicated .....	768
[See Moorsom system and tonnage tax.]	
Alaska and British Columbia: conditional boundary line in valley of the Stickine proposed; report .....	339
conditionally accepted by the United States .....	346
conditionally accepted by Canada .....	347
Alfonso XII: approaching marriage announced .....	773, 808
account of his marriage with the Princess Mercedes .....	780
receives General Grant at Vitoria; military review upon the battle-field.	803
death of the Queen .....	791, 792, 817, 818
attempted assassination of the King by a socialist .....	801, 819
Allegiance:	
Italy; inalienability of; still held by; illustrated in case of Largomar- sino .....	458, 459, 460, 461-464
Germany: naturalization cases .....	210, 212, 216, 225, 229, 232
Switzerland: right of expatriation not recognized .....	841
Americans, destitute in foreign countries: appropriation in aid of, asked by Mr. Bingham .....	481
American fishermen: outrage upon, on coast of Newfoundland .. 346, 349, 284, 308, 314,	323
Ammunition: trade of Montana Indians with British provinces in .....	349
Andine, Trans, railway: aided by Argentine Congress .....	7
Andrassy, Count: announces policy of Austria to be the protection of Austrian interests .....	24
Arbitration: Argentine and Paraguay boundary question submitted to the President .....	16, 709
award in favor of Paraguay .....	18, 711
Argentine and Chili boundary question to be submitted to the King of the Belgians .....	86
Arcoha: leader of Mexican raiders from Ximenes: .....	612, 622
Argentine Republic: army and navy, strength of; commercial marine .....	6
Congress convenes: message of President Avellanada .....	13
boundary question with Chili .....	9, 13
boundary question with Paraguay submitted to arbitration of the Presi- dent of the United States .....	16
case decided for Paraguay .....	18
mail and telegraph service .....	6
to enter postal union under treaty of Berne .....	11
revolutionary movements in San Juan and Corientes .....	5, 10

	Page
Argentine Republic—Continued.	
revolutionists of 1874 amnestied: officers restored to army; reconciliation with Mitre party; proclamation of President Avellanada .....	4
Paraguay and Uruguay Rivers: deep-water channel; surveyed by Captain Hunter Davidson .....	9
Sandy Point mutineers: surrender to Chili refused .....	9
Armenia: military operations in; fall of Kars; retreat of Moukhtar Pacha upon Erzeroum .....	849
condition of, and of its people, after the war; report of Mr. R. M. Cole ..	894
Asylum: right of; evils of the system; a breeder of revolutions; an insurance of immunity; its abolition or modification recommended .....	413
Athens: stock of flour and grain on hand .....	369
war riot; houses of ministers attacked; mob fire upon troops; they return the fire; confidence in the King maintained .....	382
General Grant's reception .....	366, 368, 369, 370
the funeral of Mr. Ogle; emotion respecting the massacres of Macriniza ..	371
Athos, Mount: Mr. Maynard's visit .....	880
monks of; stipulations concerning; article 22, treaty of San Stefano ..	885
Atzala, State of Puebla: outbreak; Catholics attack Protestants; 27 of latter killed .....	658
Aube, Captain: French Navy; thanks of the President to be given to him for aid rendered consul at Apia, Samoa .....	185
d'Audiffret Pasquier, Duke: interview with President of France; Senate will not sanction revolutionary movements .....	164
Auersperg, Prince: ministry of, embarrassed by disagreement between the "delegations" on questions of taxation; they resign .....	29
Austria-Hungary: organization of empire illustrated .....	24
effect of dual organization; questions of taxation; influence of the empire weakened .....	29
Count Andrassy explains policy of empire .....	24
taxation disagreement between Austria and Hungary .....	29
debt of the Empire, and of Austria and Hungary .....	26
adjustment of relations reached .....	44
disastrous effect upon Austrian industry of free trade-treaty with Germany; treaty denounced .....	19
Aymeri, A.: respecting the Chinese famine .....	115

## B.

Baden: cases of naturalized citizens; naturalization discussed; Ganzennmuller and Wiel .....	216, 229, 232
Baez: President of San Domingo; able to maintain himself against revolutionists; three parties in the field .....	414
Bamiah cotton-plant: seeds sent from Egypt .....	924
Bandinel, T.: vice-consul at New Chwang; as to circulation of trade-dollar in China .....	144
reporting arrest of the French bishop by the Koreans .....	131
Barrios, President: attempted assassination of .....	73
decrees liberty of the press in Guatemala .....	74
Barrera and Dominguez: extradition cases; opinion of Señors Vallarta, Bautista, and Ramirez .....	560
Baumer: case of; may return to Germany under two years-clause of treaty ..	210, 228
Bautista, Señor: opinion in extradition cases of Barrera and Dominguez .....	560
Bativerrez and Mieto: cases of; illegally removed from Mexico into Texas, while under arrest under extradition treaty .....	668
Beaconsfield, Lord: effect of speech in Berlin congress .....	221
Boira Alta Railway: aid granted by Portugal .....	744
Beiram, Feast of: observed with less spirit than usual in Turkey .....	487
Belgium: Eastern question; grant of credit; prepared for eventualities .....	55
general election; ministry defeated; liberal ministry formed .....	56, 57
monetary conference, invitation accepted .....	54, 56
Berlin: celebration of the Emperor's birthday .....	216
European congress convenes June 13 .....	221
text of treaty of San Stefano .....	785
text of treaty of Berlin .....	894
Mr. Taylor's dispatch respecting the congress and its results .....	927
Mr. Kasson's dispatch respecting the congress and its results .....	50
Mr. Marsh's dispatch respecting the congress and its results .....	475
Bessarabia: cession to Russia .....	835, 894

	Page.
Birney, Mr.: report upon socialism; and the meetings of Verviers and Ghent..	694
Bismarck, Prince: speech in Reichstag on Eastern question .....	195
bill to reorganize the imperial chancery .....	202, 204
attitude in tobacco-tax debate .....	202
recommends dissolution of the Reichstag on the ground that socialist re- pression law is needed .....	215
reception of and conversation with Mr. Bayard Taylor .....	221
meeting with General Grant .....	223
Black Sea: to be free from blockade; Bosphorus to be free to merchant ships in peace or war; articles 23, 24, treaty of San Stefano .....	865
Odessa torpedo regulations .....	760
Blyden, Mr., Liberian minister: letter asking co-operation of United States in building railway from the coast of Liberia inland .....	281
his letter to be submitted to Congress .....	287
Bolivar: national festival in commemoration of, at Caracas .....	948
Borges, Mr: requesting a letter from, to authorities at Para in behalf of Ma- deira River surveying party .....	70
Bosnia: Austrian occupation of .....	36, 53, 890
Bosnia and Herzegovina: article 14, treaty of San Stefano .....	865
article 25, treaty of Berlin .....	894
Brazil: trade with; no facilities for; steamship line needed .....	60
line of mail steamers established .....	61
visit of Emperor to new steamship City of Rio; its outgoing cargo .....	67
increased trade dependent upon increased means of intercommunication ..	66
agreement as to form of consular certificate to clearance papers proposed ..	71
Parliament not in session; new ministry; political condition of country ..	62, 63
the superiority of Brazil in civilization and order to the other South American countries recognized by the press of Caracas .....	941
British diplomatic corps: report by Mr. Nadal upon .....	251
Bremen: emigration via .....	216
Buenos Ayres: mint to coin gold and silver to be established .....	7
Bulgaria: autonomy conceded; articles 6 and 7, treaty of San Stefano .....	50, 835
boundaries and constitution; articles 1 to 12, inclusive; treaty of Berlin ..	894
Bullis, Lieutenant: expedition across frontier into Mexico; correspond- ence .....	531, 535, 664
von Billow, Mr.: notes in Ganzenmuller case .....	215
[See Naturalization and Germany].	

## C.

Cabe, William M., sheriff: cases of Bativerrez and Mieto secretly removed from Mexico to Texas by .....	653, 675
[See Mexico and Extradition].	
Cairns, Lord: speech in House of Lords on introducing bill to extend juris- diction of courts to territorial waters .....	245
Cairolì, Mr.: forms new ministry in Italy .....	471
Camp, Walsh, and Andreté: arrested in Mexico for not performing military service; correspondence .....	576
Camphausen, Mr., Prussian minister of finance: opposed to Prince Bismarck's centralizing ideas .....	202
his position upon the tobacco-tax question .....	202
Campos, General: appointed governor-general of Cuba .....	789
Canada: agreement as to regulations for the transportation of dutiable goods between the two countries under Article XXX, treaty of Washing- ton .....	350, 351, 355, 357
proposing conditional boundary-line between Alaska and British Colum- bia in valley of the Stickine .....	339
conditionally accepted by the United States .....	346
conditionally accepted by Canada .....	347
Canadian customs regulations in conflict with free navigation of the Stickine, secured by treaty of Washington; case of steamboat Nellie ..	352
inquiring if Canada will grant right to American vessels to aid those disabled in Canadian waters in return for accordance of same right to Canadian vessels in our waters .....	351
case of tug Champion: need for such reciprocal action .....	352
Canadian fishery question. (See Fishery Question.)	
Canal, President: proclamation respecting relations between Hayti and San Domingo .....	406
suppresses revolt at Port-au-Prince .....	431

	Page.
Caracas, notable rain-fall: report of Academy of Sciences .....	947
Carnarvon, Lord, retires from the cabinet; Lord Derby also retires .....	259
Central America: peace prevails; good coffee crop .....	80
Costa Rica: Ex-President Guardia succeeds Herrera .....	75
relations with Guatemala broken off .....	76
friendly relations with Nicaragua restored .....	80
Guatemala: attempt upon the life of President Barrios; death of the assassin, the priest Pajes; its effect .....	73, 74
freedom of the press decreed .....	74
duty on flour reduced \$1 per quintal .....	75
Cerro del Pasco, Peru: work upon tunnel to drain mine .....	712
Champion, tug: case of [See Canada] .....	352
Chavero, Mr.: speech in Mexican Congress against American railways in Mexico .....	550
Chevallier and Tanis, leaders of the Haytian revolt .....	431
Chihuahua: exactions upon Americans; cases of MacManus & Sons, Muller; Nordwald; Smith; and Walter Henry .....	527
reports of Consuls Scott and Schuchardt .....	527, 603, 606
refugee Indians protected by Mexico, charged with commission of murders .....	623
Chili: Argentine boundary question; to be submitted to arbitration .....	9, 13, 86
Centennial Exposition awards delivered .....	80
financial statements; condition unsatisfactory; recommendations of the President .....	83, 91
state of treaty relations: effect of Chili's notice of 1849 to terminate certain clauses of the treaty of 1832 .....	85, 87
China: currency of; extended memorandum upon, by Mr. Seward .....	132
famine in North China; report upon; labors of missionaries; measures of relief .....	96
North China Daily Mail; reports upon the famine .....	115, 116, 117
foreign trade upon the Yang-tze River; regulations concerning .....	146
legation accredited to Japan .....	485
legation accredited to Russia .....	150
legation to be accredited to China by Peru .....	720
mining of coal and iron; service railway; concession granted by viceroy of Tientsin; report upon mineral resources .....	122
South China Daily Mail; article upon coal and iron mining in China .....	123
position of Americans in China contrasted with that of Chinese in the United States; treaty revision discussed .....	129
trade-dollar; conditions of circulation in China; consular reports .....	93, 101, 141
treaty with Spain as to treatment of Chinese in Cuba; analysis of treaty; text of treaty .....	96
Chinese: abduction of; two Chinese charged with; intervention at instance of Mr. Comly .....	142
their position in Peru; reports and efforts of Peruvian consul at San Francisco to induce emigration thence to Peru .....	716, 721
their treatment in Peru .....	733
representative from China needed in Peru .....	716
Olyphant emigration line established; fails to bring immigrants; hostility of governor of Hong-Kong .....	723, 733
Cherif Pasha: note from, as to extension of jurisdiction of international tribunal in Egypt .....	916
Cholera: disappears from Japan .....	481
appears in Morocco; its ravages .....	689, 692
Circulating medium: requiring reports as to volume and character; and relation of coin to paper .....	2
Civil service: organization of that of England; letter of lords of the treasury in answer to Mr. D. B. Eaton .....	237
Coahuila: Mexican troops make campaign against Indians .....	621
[See Mexico and Raids].	
Coal and iron to be mined, and railway built north of Tientsin, China .....	122
Coal trade of Egypt: report upon; imports at Alexandria and Port Said .....	914
Coffee: shipment from Brazil to New York by City of Rio .....	65, 67
Coffee crop:	
Central America: good .....	80
Hayti: good .....	412
Venezuela and Brazil: a partial failure .....	939
Cole, R. M.: statement as to condition of affairs in Armenia .....	694
Coleman, Mr.: his retention at Berlin requested .....	223

Colombia: case of C. G. Scrafford: released from custody of United States officer by order of; extradition treaty to be negotiated.....	151
(see report of royal commission on extradition).....	268
crews of vessels General Narino disabled, and General Maza sunk, aided by American legation in Hayti.....	408
Collisions at sea: international regulations for prevention of, submitted....	354
rules accepted by the United States.....	355
Colston, Colonel: indemnified for disabilities incurred in Egyptian service...	923
Commerce:	
Austria-Hungary: policy, higher tariff, and extension of control in the valley of the Danube.....	19, 32, 44
Brazil: chiefly in hands of Great Britain; could be diverted to the United States through the establishment of proper facilities of intercommunication.....	60
Chili: suffering from commercial depression.....	83
if time thought to be favorable, authority to negotiate new treaty will be granted.....	87
China: foreign commerce upon the Yang-tze River relieved of certain restrictions.....	146
France: commercial policy; a barter of privileges under conventional stipulations.....	170
Greece: exports, \$18,500,000; imports, \$11,400,000; list of articles imported; trade chiefly in hands of Great Britain.....	358
Hawaiian Islands: business in hands of European traders, notwithstanding reciprocity treaty.....	379
Italy: customs regulations at Leghorn.....	478
Liberia: commerce with, could be increased by developing interior, and establishing means of communication.....	281
Mexico: hampered by imperfect customs regulations, and by excessive contraband trade.....	587, 636, 660
Morocco: food supplies imported.....	684
Persia: foreign trade estimated at \$18,000,000; commercial treaty could be negotiated.....	46
Peru: chiefly in hands of Great Britain; freights against the United States; no direct communication with the United States.....	724
list of articles imported and exported.....	724
Spain: (See discussion of admeasurement of vessels, and tonnage tax). 764, 765, 768, 774, 787, 804, 806, 807, 815, 818	
commercial policy to induce negotiation of special conventions.....	794
favorable effect of abolition of differential dues in aid of national ships..	779
Switzerland: increase of tariff, especially on tobacco.....	829
Egypt: reform in the line of the Rivers Wilson report.....	940, 943
Venezuela: great depression; revival dependant on good coffee crop.....	940, 943
Coudon, E. O'M., case of: released from prison at intervention of the United States; correspondence.....	258, 278, 280, 283, 284, 285, 288, 312
Constantinople: British fleet off the Bosphorus; Russians threaten to enter; consternation.....	853
text of convention of.....	886
Consul, Mexican, in Arizona: report upon raids; efforts of Army to restrain Indians.....	592, 623
at San Antonio: report upon revolutionary movements upon the frontier.	679
Peruvian, at San Francisco: report upon anti-Chinese riots; efforts to promote Chinese emigration to Peru.....	716, 721
Consular certificate to clearance papers: agreement as to form of, proposed to Brazil.....	71
convention with Italy denounced; Italy objects to Article VI; willing to renew treaty if this article be excluded.....	462
fees, excessive, charged by Spanish consuls.....	765
excessive invoice tax; its form objectionable; discussion with Haytian Government.....	411, 415, 416, 427, 445
reports upon circulation of trade-dollar in China.....	101, 141
Contagious diseases act; exemption from, for American cattle shipped to England, asked.....	356
Coolie trade: consuls to inspect American vessels engaged in.....	3
Corea: war with Japan probable; arrest of Bishop Ridel.....	131
Corientes: revolutionary movements; suppressed by central government....	10, 11
Corlis-Carbajal bonds: recognized by Mexico as a valid issue.....	624
[For status and amount outstanding, see Mexico, and debt.]	
Corti, Count, appointed minister for foreign affairs of Italy.....	471

	Page.
Count Corti—Continued.	
his action at congress of Berlin in accordance with his instructions, and approved by the ministry .....	475
Costa Rica. (See Central America) .....	75, 76, 80
Cotton: Egypt; seeds of the Balmah plant sent to department from .....	924
Greece: duty upon cotton and cotton-seed abolished .....	361
Cotton goods imported by Greece, Hawaiian Islands, Mexico, Persia, Peru. (See, respectively) .....	358, 379, 633, 46, 724
Crete: Article 23, treaty of Berlin; reforms .....	894
Criminals: importation into United States prohibited; inquiry by Mr. Outrey as to law .....	192
reply citing law of Massachusetts, and act of Congress, approved March 3, 1875 .....	193
Cuñá: destroyed by earthquake, April 12, 1878; consternation at Caracas .....	934
(For account of earthquake on Pacific coast in 1877, see Chili,) .....	89
Cuba: army in, to consist of such force as may be necessary .....	784
arrearages of taxes question; remonstrance to be made .....	800
pacification of; proceedings in Spain; General Campos appointed governor-general .....	784, 789
suspension removed from certain papers in consequence of .....	791
terms of surrender .....	809
pacification complete; insurgent chiefs surrender .....	815
cases of Ellen Rizpah, Rising Sun, and Edward Lee. (See Spain, and entries under their names.)	
excessive tonnage tax imposed in ports of, through readmeasurement of vessels; report of Consul-General Hall .....	765
temporary agreement to accept certificates as to Cuba .....	765
[For full discussion of this subject see Spain, Admeasurement of vessels, and Tonnage tax.]	
Currency:	
China; extended memorandum by Mr. Seward .....	132
reports upon circulation of trade-dollar .....	93, 101, 141
Austria: views of Baron Von Hoffman .....	30
Mexico: effect of accordance of unlimited legal-tender attribute to silver; the disappearance of gold .....	663
Customs regulations: port of Leghorn .....	576
navigation of the Yang-tze River .....	146
Customs tariff: Austria-Hungary; revision in direction of higher duties .....	19, 32, 44
Chili: revision in direction of higher duties .....	83, 91
Germany: revision in direction of higher duties .....	202, 204
France: revision in direction of higher duties .....	170
Mexico: discussed in reference to its effect upon American commerce .....	633
Spain: tariff changes for 1878-'79 .....	794
Switzerland: revision in direction of higher duties .....	829
Customs circular from Treasury Department as to tourists' effects .....	154
Cyprus: assigned to the administration of Great Britain; correspondence and text of convention of Constantinople .....	895
its occupation by Great Britain .....	890

## D.

Danube: Austrian aims in valley of .....	44
fortifications upon, to be razed; war vessels excluded; articles 12 and 13 treaty of San Stefano .....	865
same provisions; improvement of navigation; free navigation below Iron Gates; continuance of European commission; Russian and Rumanian boundaries; fishery rights of the latter, articles 45 to 47 inclusive, and 52 to 57 inclusive, treaty of Berlin .....	894
Davidson, Captain Hunter: survey of deep-water channel up Parana and Uruguay Rivers .....	6
Debt:	
Argentine Republic, statement of aggregate .....	13
Austria-Hungary, and of Austria and Hungary, full and detailed statement .....	26
Chili; annual deficits; bonds issued to meet same .....	83
Egypt; reform in accordance with the Rivers Wilson programme to be inaugurated .....	924, 926
Japan; statement of aggregate .....	513
Mexico; full and detailed statement of foreign debt; of resources; of the issues held in the United States; action of Mexico respecting the debt .....	543, 624, 630, 636
"Woodhouse" and "Corlis Carbajal" bonds .....	624

Debt—Continued.	
Portugal; deficiency for current year \$3,000,000; debt increasing .....	744
Russia; article from the Journal of St. Petersburg upon debt and finances.	749
Switzerland; yearly deficits anticipated; debt not oppressive, but increasing.	829
De Lano, M. M., consul at Foochow; report upon circulation of trade-dollar in China .....	144
Denny, O. N., consul at Tientsin; report upon circulation of trade-dollar in China .....	143
Denmark: Disagreement between houses of the Rigsdag upon financial law; political situation .....	155, 156
financial law passed; crisis avoided; Rigsdag adjourns .....	158
to remain neutral in event of war; sympathy with Russia; launch of iron-clad Helgoland .....	159
troops not to occupy Schlesvig .....	157
Derby, Lord, and Lord Carnarvon: retire from the cabinet; political effect of their withdrawal .....	259
Diaz, President: speech upon opening Congress; condition of Mexico reviewed .....	525
recognition accorded by the United States .....	543
speech upon opening of second session of Congress .....	545
his experience illustrates the difficulty of dealing with revolutionary movements upon the frontier .....	555
adherents successful in election; elections no test of public sentiment; government party usually the only one voting .....	567
earnest in movement to suppress Indian depredations .....	621
earnest in endeavor to develop the resources of the country .....	549
project to extend his term for six years, with increased power, or to establish a dictatorship, discussed .....	658
Diplomatic service:	
China: new missions accredited to Japan and Russia .....	485, 150
Great Britain; report of Mr. Nadal upon the organization of .....	351
Peru; new mission accredited to China .....	720
new nationalities created; possible necessity for extension of service [see treaties of San Stefano and Berlin] .....	865, 894
Discriminating duties: Hayti; consular tax .....	411, 415, 416, 427, 428, 445
[See Hayti and Consular invoice tax.]	
Russia: in favor of wine and tools imported by land; protest of American merchants .....	747
discrimination in contravention of treaty of 1832 .....	751, 752, 755, 758
modification of regulations declined by Russia .....	762
Spain .....	764, 765, 768, 774, 787, 804, 806, 807, 815, 818
[See Admeasurement of vessels; Tonnage tax; subject discussed under these heads.]	
Dobroutcha: ceded to Roumania; article 46, treaty of Berlin .....	894
Domingues and Barrera: extradition cases; judgment of Mexican supreme court; opinions of Señors Vallarta, Ramirez, and Bautista .....	560
Dominican Republic: relations with Hayti "badly defined;" proclamation of President Canal of Hayti .....	406
revolutionary movements; three parties in the field; President Baez able to maintain himself .....	414
Double standard: Austria; views of Baron von Hoffman .....	30
Mexico: gold driven out of circulation by silver; silver unlimited legal tender; purchasing power determined by London market rate; exchange 22 per cent. premium .....	663
Dufaure, M.: ministerial crisis; he constitutes cabinet; ministerial responsibility recognized .....	164, 166
Durqui, governor of Corientes: to be sustained by government troops .....	10
Dutiable articles: regulations, under article xxx treaty of Washington, for transportation of, between Canada and the United States, agreed to by both; correspondence .....	350, 351, 355, 357
Duty on flour reduced by Guatemala \$1 per quintal .....	75
[See tariff.]	
Dye, Colonel, indemnified for disabilities contracted in Egyptian service .....	923
E.	
Earthquake: account of that of May 9, 1877, upon coast of Chili and Peru ...	89
Account of that of April 12, 1878, at Cuá, Venezuela; consternation at Caracas .....	934
East Roumelia. (See Roumelia.)	



## Eastern question:

Austria Hungary, position and policy; military operations since treaty of Berlin.....	24, 34, 36, 39, 42, 44, 50, 53
Belgium: credit of 10,500,000 francs; prepared for eventualities.....	55
Denmark: to remain neutral; army concentrated; sympathy with Russia..	159
Germany: Prince Bismarck's speech defining the position of; comments upon the circular notes; meeting of the congress; effects of the treaty..	195, 209, 221, 227
Great Britain: article from the Times; resignation of Lord Carnarvon and Derby; Lord Salisbury appointed to foreign office; the circular notes; treaties of San Stefano and Berlin, and convention of Constantinople.....	239, 259, 865, 872, 885, 894
Greece: war sentiment; riot in Athens; fortification of the Piræus; army crosses frontier; dissatisfaction with congress.....	362, 364, 365, 333, 375, 377, 890
Italy: dissatisfaction with treaty of Berlin not so great as represented; questions of Trieste and the Trentino discussed.....	475
Russia: finances; reception of Emperor on returning from the army.....	749, 754
[See Turkey.]	
Turkey: military situation; Turkish army; negotiations; circular notes of Lord Salisbury and Prince Gortschakoff; text of treaties of San Stefano and Berlin, and convention of Constantinople.....	847, 849, 852, 853, 865, 865, 872, 886, 890, 894, 913
Eaton, Dorman B.: reply of the lords of the treasury to request for opinions as to working of civil service appointment system.....	237
Egypt: American officers, except General Stone and one other, discharged from the service of.....	922
coal trade of: imports at Alexandria and Port Said.....	914
Colonels Colston and Dye indemnified for disabilities contracted in the service of.....	923
international tribunal: jurisdiction of, extended to include cases affecting members of the parquet.....	916
decree modifying code of procedure.....	920
extension of jurisdiction to cases in which all parties are natives.....	923, 926
the Khedive accepts report of the Rivers Wilson committee of inquiry; reforms.....	924
Nubar Pasha appointed president of the council; majority vote to determine questions; letter of the Khedive.....	926
slavery: exists as a domestic institution; manumission of three slaves from Central Africa.....	920
Erzeroum: fall of Kars; retreat of Moukhtar Pasha upon.....	849
Ellen Rippah, Edward Lee, and Rising Sun: whaling-ships.....	769, 775, 777, 784, 786
[See Spain.]	
Emigration:	
China: efforts to direct to Peru from California.....	716, 721
from Hong-Kong.....	723, 733
Germany: statistics.....	204
Liberia: commissioners from Arkansas visit Liberia to select locations for colonies.....	523
Switzerland: statistics.....	841
Estates in Holland: law as to settlement of: American claimants without necessary data.....	696
Escalante, Mr., Mexican consul in Arizona: report upon raids, and efforts of American Army to restrain Indians.....	592, 623
European Congress: convened June 13, at Berlin; treaty signed July 13.....	221, 894
Evarts, Mr.: instruction reviewing the fishery award.....	290
instruction as to Fortune Bay fishery question.....	308
Exposition, Paris, 1878: invitation accepted; commissioner-general appointed. note from Mr. Waddington upon appointment of Mr. McCormick.....	168, 169
exhibit highly creditable; relatively more prizes than any other country ..	181
Expatriation: Germany. (See naturalization cases.)	
Italy: right not recognized. (See Largomarsino case.)	
Switzerland: right not recognized; negotiations for its recognition suggested.....	841
Exterritoriality: fully enjoyed in Egypt; its abolition to be attempted.....	916, 926
Extradition: Colombia; case of C. G. Scrafford, released from custody while in transitu across Isthmus of Panama; note from Mr. Evarts.....	151
Great Britain: report of royal commission upon the laws and treaties concerning.....	268

**Extradition—Continued.**

Mexico: Dominguez and Barrera cases; opinions of supreme court judges Ramirez, Bautista, and Vallarta; citizens may be extradited at pleasure of government .....	560
Mieto and Bativerrez cases: conveyed secretly without the jurisdiction of Mexico into Texas .....	668, 675
Rio Grande City jail cases .....	534, 535, 539
Subject discussed by Mr. Evarts and Mr. Seward .....	572, 668, 675
Subject discussed by Mr. Mata, Mr. de Cuella, and Mr. de Zamacona .....	608, 638, 679

**F.**

Fabens, Schooner A. J.: collision with Haytian war vessel St. Michel .....	456
Falk, Dr.: resigns; resignation withdrawn. (See Germany) .....	212, 215
Famine: China; detailed report upon; efforts of the missionaries; 60,000,000 people suffer; 10,000,000 exposed to actual famine .....	109
Morocco: great suffering; complicated by cholera .....	684, 686, 692
<b>Finances:</b>	
Argentina Republic; satisfactory condition; debt reduced \$4,000,000 during current year .....	13
Austria-Hungary: disastrously affected by free-trade treaty with Germany; detailed debt statement; currency; tariff regulations as affecting the finances .....	19, 26, 30, 44
Chili: commercial depression; finances embarrassed; periodical deficits; loans resorted to .....	83, 91
China: coined money in circulation, Mexican and trade dollars; finances as affected by currency. (See memorandum of Mr. Seward) .....	93, 101, 132, 141
Denmark: disturbed by failure of financial law in the Rigsdag; provisional law decreed by the King; final passage of regular law .....	155, 156, 158
Egypt: reforms under the Rivers Wilson programme .....	924, 926
France: as affected by tariff revision .....	170
Germany: increased taxation necessary; budget for 1878-'9; debates in the Reichstag .....	202, 204
Japan: report of minister of finance .....	514
Mexico: treasury embarrassed; officials unpaid; revenue decreasing; debt statement .....	548, 587, 624, 630, 636, 663
Peru: treasury notes issued for Meiggs notes; relief afforded; condition embarrassed; decree .....	712
Portugal: condition unsatisfactory; deficit about \$3,000,000 .....	744
Russia: article from Journal of St. Petersburg .....	749
Switzerland: deficits anticipated; increased expenses; national credit to be maintained .....	829, 841
<b>Fishery question:</b>	
Halifax award; note from Mr. Evarts of September 27 .....	290
reply of Lord Salisbury of November 7 .....	316
form of notice and protest to be used, if required .....	315
dispatches from Mr. Welsh; the award paid under protest .....	314, 316, 333
Fortune Bay, Newfoundland, question; notes from Mr. Evarts of March 2 to Sir E. Thornton, and September 28 to Mr. Welsh .....	346, 308
reply of Sir E. Thornton .....	349
notes of Lord Salisbury of August 23, with report of Captain Sullivan, and November 9, replying to Mr. Evarts's note of September 28 .....	284, 323
dispatches from Mr. Welsh .....	284, 314, 323
<b>Flour:</b> duty upon, in Guatemala, reduced \$1 per quintal .....	75
amount in store in Athens, December 6 .....	360
<b>Forbes, T. B.:</b> as to circulation of trade-dollar in China .....	146
<b>Fourth of July:</b> its observance in Hayti .....	453
Morocco .....	687
Switzerland .....	828
Venezuela .....	938
<b>France:</b> commercial policy; tariff revision toward higher duties; protectionist theories taking the place of those of free trade .....	170
Elections passed off quietly; government defeated; result accepted by the President as a judgment in favor of ministerial responsibility .....	161, 163, 164, 169
conduct of elections to be inquired into by the assembly .....	163
ministerial crisis; Dufaure cabinet constituted upon principle of ministerial responsibility; Waddington and Leon Say in the cabinet .....	162, 163, 164, 166, 167, 168
<b>Exposition:</b> invitation accepted; appointment of commissioner-general .....	168, 169
our exhibit satisfactory; more prizes relatively than any other nation .....	181

	Page.
France—Continued.	
Monetary Conference: invitation and acceptance.....	172, 175
members of Latin Union accept invitation.....	176
arrangements for the meeting of the congress.....	176, 178, 179
yellow-fever fund: contribution of the President of France, 5,000 francs.....	182
reports and lists of contributors; total through Mr. Noyes, 82,718.70 francs; grand aggregate from France, about 150,000 francs.....	181, 182, 189, 190, 191
Franconia—Strath-Clyde case; Lord Cairns' exposition of case; bill to give jurisdiction over territorial waters introduced into the House of Lords ....	245
Fredericksted, Santa Cruz: greatly injured in negro revolt.....	100
Free trade: revision of commercial treaties in the direction of higher duties; growth of protectionist ideas:	
Austria-Hungary.....	19, 29, 32, 41
Chili.....	83, 91
France.....	170
Germany.....	202, 204
Spain.....	749
Switzerland.....	829
Firing upon the flag of Consul Sutter at Acapulco in 1877: regret expressed by Mexico; commandant of fort at the time to be tried by court-martial....	580
Frontier relations:	
Canada: Alaska boundary.....	339, 345, 347
case of steamboat Nellie; Canadian customs regulations contravene treaty provisions for free navigation of the Stickine.....	352
regulations for the transportation of dutiable articles from one country to the other.....	350, 351, 355, 357
aid to disabled vessels in waters of either; case of tug Champion.....	351, 352
Mexico: speeches of President Diaz at opening of Congress.....	525, 545
cases of MacManus & Sons, Muller, Nordwald, Thomas N. Smith, Walter Henry: reports of Consul Scott.....	527
cases of Mieto and Bativerrez: improperly withdrawn from Mexican jurisdiction.....	668, 675
expeditions of Bullis, Shafter, Mackenzie, and Ward.....	531, 533, 540, 552, 553, 555, 664
Indian relations upon frontier.....	537, 592, 623
raids, and depredations; by Indians; the Areola band: murder of Henry; report of Consul Schuchardt.....	527, 572, 592, 603, 606, 612, 622, 623
Rio Grande City jail extradition case.....	534, 535, 539
"reciprocal crossing".....	553, 555, 572, 592, 608
revolutionary movements on frontier.....	555, 674, 675, 678, 679, 682
Sentiment in Mexico upon frontier relations.....	552, 553, 570, 575, 592
Zona Libre: its establishment unconstitutional; a measure of hostility to American commerce; contraband trade.....	654, 660
Frontier States of Mexico: law restricting ownership of realty in.....	575
G.	
Ganzenmuller: case of; naturalized citizen; ordered to leave Baden; intervention of legation.....	216
case settled by his applying for Baden citizenship.....	229
character of naturalization cases illustrated.....	229
Garcia, Mr.: calling attention to the reconciliation of parties in the Argentine Republic.....	14
Gardner: President of Liberia inaugurated.....	522
Gaspar, Frank: arrested at instance of Japanese Government for violation of railway regulations; case in consular court.....	514
Germany: attempted assassination of the Emperor; political effect; congratulations of the President.....	212, 214
his condition not one of immediate danger.....	214
regency of the Crown Prince; thanks for the President's congratulations.....	214, 215, 216
the Emperor's birthday celebrated.....	208
the Empress receives Mr. Bayard Taylor; the Emperor's message.....	223
chancery reorganization bill; passed.....	202, 204
Eastern question: speech of Prince Bismarck defining position of Germany.....	195
comments upon Lord Salisbury's circular of April 1.....	209
the congress convenes; England offers to withdraw her fleet if Russia will withdraw her army.....	221
treaty of Berlin: no permanent basis of peace; temporary relief only.....	227
emigration: report.....	204

	Page.
Germany—Continued.	
Falk, Dr.: his position; resigns; resignation withdrawn.....	212, 215
naturalization: subject discussed; valid cases complicated by unworthy ones; unwillingness of naturalized citizens to obey local law.....	229, 232
treaty stipulations observed: necessity of test of intention clause of treaty, demonstrated.....	232
naturalization cases: Julius Baumer.....	210, 212
Ganzenmüller.....	216, 229
Wiel.....	216
Willmeck.....	225, 233
Prussian Diet adjourns; changes in the ministry.....	209
Reichstag to be dissolved upon request of Prussia.....	215
socialist conspiracy believed to be widespread.....	215
bill to suppress social-democratic demonstrations: lost in Reichstag by vote of 57 to 251.....	212
taxation: budget for 1878-'9.....	202, 204
Yellow-fever fund: contribution of the Emperor; thanks of the President.....	236
Ghazi, Conqueror: title conferred by the Sultan upon Osman and Moukhtar Pashas.....	847
Glass, Thomas: case of; question of right of consular courts in Japan to decree deportation of Americans "convicted of felony, or twice convicted of misdemeanors".....	518
Gold: the ultimate standard; views of Baron von Hoffman.....	30
driven out of circulation by silver in Mexico.....	663
Grain: imported by Greece and Morocco.....	358, 684
Peru submits proposition for reciprocity treaty, agreeing to admit grain free of duty in exchange for free admission of sugar into the United States.....	729
Grant, General: account of his visits to:	
Austria-Hungary: reception by the Emperor; official attentions.....	52
Germany: reception by the Crown Prince; message of the Emperor; meeting with Prince Bismarck; military review.....	223
Greece: salute by foreign fleets; reception in Athens; receives the King upon the Vandalia.....	366, 368, 369, 370
Netherlands: official and private reception; review of troops.....	701
Portugal: met upon the frontier by aid-de-camp; meeting with the King.....	736, 745
Spain: received by the King at Vittoria; attends review upon the battlefield; official reception at Madrid.....	803
Sweden and Norway: received by the King at Christiania; is waited upon by deputation of artisans at Stockholm; throngs before his hotel.....	823
Switzerland: distinguished honors shown him at Zurich.....	839
Turkey: official reception at Constantinople; press reports.....	831
Egypt: received with royal honors; the guest of the Khedive.....	915
Greece: trade report; exports \$18,500,000, imports \$11,400,000; list of exports and imports.....	358
duty on cotton and cotton-seed abolished.....	361
war riot at Athens: houses of ministers attacked; troops fire on people; new ministry.....	360, 362
war feeling: troops cross the frontier; withdrawn.....	364, 365, 366
precautions taken to guard American interests: the Marion at the Piræus.....	364, 365
massacres of Macrinitzas; death and funeral of Mr. Ogle; the Marion ordered to Volo.....	371, 372
dissatisfaction at treatment at Berlin; anxiety as to action of the congress.....	375, 377
Turkish note upon the claims of Greece.....	890
Affairs in critical condition; time ill-judged to withdraw mission.....	373, 374
Great Britain:	
Alaska boundary question.....	339, 346, 347
case of steamboat Nellie: customs regulations inconsistent with treaty right to free navigation of the Stickine.....	352
civil service: reply of the lords of the treasury to Mr. Eaton's request for opinions as to working of system of appointment to office through competitive examination.....	237
E. O'M. Condon: case of; released from prison at intervention of United States.....	258, 278, 280, 283, 284, 285, 288, 312
contagious diseases act: request for exemption of American cattle.....	356
disabled vessels: in Canadian and American waters; respecting reciprocal aid.....	351
case of tug Champion: necessity for agreement.....	352
dutiable articles: transportation of, between Canada and the United States under Article XXX Treaty of Washington; regulations for.....	350, 351, 355, 357

	Page.
<b>Great Britain—Continued.</b>	
<b>Eastern question:</b>	
Lords Derby and Carnarvon resign; Lord Salisbury appointed minister for foreign affairs; public sentiment .....	259
Lord Salisbury's note of April 1, and Prince Gortschakoff's reply of April 9. ....	259, 272
attitude at Berlin .....	221
views attributed to her at Vienna: supports Austria; influence increasing .....	34, 36, 44
interest manifested in our ability to maintain neutrality in event of war: three-rules clause of Treaty of Washington, and right to sell ships pending hostilities, discussed .....	39
sympathy of Denmark for Russia .....	159
editorial from the Times of December 5, 1877 .....	239
text of treaty of San Stefano .....	835
text of convention of Constantinople; and correspondence .....	885
text of treaty of Berlin .....	694
<b>Fishery question: Halifax award; notes from—</b>	
Mr. Evarts, September 27 and November 8 .....	290, 315
Lord Salisbury's reply of September 27 .....	316
dispatches from Mr. Welsh .....	314, 316, 333
dispatch from Mr. Jackson .....	334
<b>Fortune Bay disturbance: notes from—</b>	
Mr. Evarts, March 2 and September 28 .....	346, 308
Mr. Welsh .....	284, 314, 323, 333
from Lord Salisbury, with reports of Captain Sullivan .....	284, 323
Sir E. Thornton .....	349
<b>Extradition: report of the royal commission upon the law and treaties affecting .....</b>	<b>263</b>
(see Mr. Evarts's instructions to Mr. Dichman in Scrafford case) .....	151
<b>Franconia—Strath-clyde collision case; question of jurisdiction over territorial waters; discussed by Lord Cairns in House of Lords .....</b>	<b>245</b>
<b>Green, Lieutenant-Commander: reports completion of work of measuring difference of longitude between Lisbon and Madeira .....</b>	<b>743</b>
<b>Gonzales, General: succeeds General Ogazon as Mexican minister of war .....</b>	<b>544</b>
<b>Gortschakoff, Prince: attends Berlin Congress; interview with General Grant .....</b>	<b>221, 223</b>
note of April 9, in reply to Lord Salisbury's note of April 1, respecting the treaty of San Stefano .....	872
<b>Guatemala: (See Central America) .....</b>	<b>73, 74, 75, 76, 80</b>
<b>Guardia, Ex-President: assumes the Presidency of Costa Rica .....</b>	<b>75</b>
<b>Grand Vizier: office restored; that of prime minister abolished .....</b>	<b>834</b>

## H.

<b>Halifax award:</b>	
Mr. Evarts's note, September 27, reviewing the award .....	290
November 8, form of notice and protest to be used if the award shall be paid .....	315
Lord Salisbury's reply to Mr. Evarts's note of September 27 .....	316
dispatches from Mr. Welsh: the award paid under protest .....	314, 316, 333
dispatch from Mr. Jackson, discussing the award .....	334
<b>Hamburg: immigration via .....</b>	<b>204</b>
<b>Harbor conservation:</b>	
Shanghai; a survey necessary .....	103
changes in the approaches to; consuls to gather data for submission to engineers .....	107
letter from chamber of commerce to Mr. Seward .....	140
regulations for: presented by Chinese government; after correspondence, accepted by foreign representatives .....	103
<b>Yokohama: regulations; correspondence between Admiral Reynolds, Mr. Bingham, and Japanese minister for foreign affairs: approved .....</b>	<b>486</b>
<b>Haynes: commercial agent; protest and correspondence in Nueva Laredo military impressment cases .....</b>	<b>576</b>
<b>Hayti: agricultural fête: state of agriculture; rude methods .....</b>	<b>446</b>
collision between the bark A. J. Fabens and the St. Michel .....	456
consular tax question: case of Nones & Co.; excessive and discriminating character shown .....	411, 415, 427, 445
British minister also protests against tax .....	428
question held by Hayti to be one of method of taxation .....	416
outbreak at San Marc and Quatier Marin; revolution at Port au Prince; suppressed by President Canal .....	409, 431, 443

	Page.
Hayti—Continued.	
right of asylum: its abuses; a breeder of revolutions; should be modified if not abolished .....	443
disagreement with Spain settled .....	418
relations with Dominican Republic .....	406
Hawaiian Islands:	
reciprocity treaty: favored nation clause gives no right to other nations to participate .....	406
efforts of England and Germany to have their trade placed upon same basis as our trade under treaty; England to waive claim if tariff be fixed at 10 per cent. ad valorem .....	382
reports in parliament, and of envoys to Great Britain and Germany .....	382
attitude of government not deemed hostile to treaty .....	381, 382, 406
trade report: crops sold in the United States; purchases made of European traders; Americans not taking advantage of the reciprocity treaty ....	379
Henderson, J. A., consul at Amoy: circulation of trade dollar in China .....	146
Henry, Walter:	
exactions upon, in Chihuahua: report of Consul Smith; cases of McManus, Nordwald, Smith, and Muller .....	527
murdered, and his merchandise seized: report of Consul Schuchardt .....	603
further intelligence in case: customs authorities thought to be implicated .....	606
Hogg, Dr.: receives manumitted slaves into mission-school at Cairo .....	920
Honduras: Ex-President Medina, and Marin of Salvador, shot by order of President Soto .....	79
Humbert I: accession of the Crown Prince to the throne of Italy as .....	468, 478
Hydrophobia: Stanford prize of £100 for best essay upon, announced through the press .....	358

## I.

India, Government of: offers prize for best machine to prepare ramie or china grass .....	337
Indians of Montana buy ammunition in British Possessions .....	349
International commission for exchange of works of science: report of Dr. William E. Johnston upon organization and plan of action .....	173
Smithsonian system explained: Mr. Noyes to act as American representative .....	175
inquiring if the Smithsonian Institution may be considered as the American bureau of exchanges .....	180
International Exposition, Paris—Invitation accepted: Commissioner-general appointed: note of Mr. Waddington .....	168, 169
American exhibit very creditable: relatively more prizes than any other nation .....	181
Philadelphia: distribution of Chilean awards .....	80
Industry: noting depressed condition of Austrian industry, due to free-trade treaty with Germany .....	19
Internationalism and socialism:	
Germany: the assassin of the Emperor an avowed internationalist; wide-spread conspiracy apprehended .....	212, 214, 215
bill to suppress social-democratic demonstrations .....	212
Netherlands: report of the proceedings of the "International Workingmen's Association," and the "Socialist Congress" at Verviers and Ghent; their platform; policy; aims .....	694
The workingmen's party of the United States associated with the socialist party of Europe .....	694
Russia: presence manifested by the attempt of Vera Zasulitch upon the life of General Treppoff; and the course and result of her trial .....	758
Spain: The assassin of the King an avowed socialist .....	801, 819
Italy: death of the King: announcements and acknowledgments: accession of the Crown Prince as Humbert I. ....	467, 468, 478, 479
sketch of the career of the King .....	467
funeral of the King attended with great pomp .....	469
funeral services in Washington; attendance of the President .....	479, 480
death of Pope Pius IX, and accession of Cardinal Pecci as Leo XIII .....	470
Berlin treaty: dissatisfaction less than reported; the questions of Trieste and of the Trentino discussed .....	475
billeting troops in time of peace: question as to practice respecting Americans .....	464

	Page
<b>Italy—Continued.</b>	
consular treaty denounced: objection to Article VI, exempting consular dwellings; willing to negotiate new treaty, except that clause .....	462
Leghorn customs regulations .....	476
marriage, law of; strict compliance with provisions of civil code necessary; compliance not always possible; attitude of courts to such marriages unknown; ante-nuptial settlements in all cases recommended; regulation of American-Italian marriages should be made matter of treaty stipulation .....	455
principle of inalienability of allegiance as illustrated in the Largomarsino case .....	458, 459, 460, 461, 464
State ownership and operation of railways discussed in chambers: likely to prove a ministerial question .....	466
<b>J.</b>	
Jalapa, Mexico: revolt; dissatisfaction of the army; suppressed .....	587
Japan: The Emperor visits the north of the empire; well received; manifests great interest in education .....	507
closing exercises of industrial exposition: exposition visited by several hundred thousand people .....	484
the Emperor receives the diplomatic corps on 1st of January .....	486
debt statement: aggregate \$375,000,000; receipts and expenses .....	513
case of Thomas Glass; question as to right of deportation of Americans "convicted of felony, or twice convicted of misdemeanors" .....	515
case of Frank Gaspar: trial requested by Japanese Government for violation of railway regulations .....	514
assassination of Mr. Okubo Toshimichi, minister of the interior: plea of the assassins; career; action of the Emperor; assassins executed .....	491, 495 499, 511, 512
the assassins of Messrs. ap Jones and Russell arrested; their punishment assured .....	513
revolt of a part of the garrison of Tokei .....	508
Satsuma rebels: their trial; leniency of Japanese Government .....	481
Yokohama harbor regulations: approved .....	485
Japan Daily Herald: extracts from, upon the death of Mr. Okubo .....	492, 496
same subject: the plea of the assassins addressed to the Emperor .....	500
Japan Daily Herald: extract from, upon the revolt of a part of the garrison of Tokei .....	508
Jews: Roumania, hostility to, in; recognition of independence should be conditioned upon granting religious equality .....	42
Morocco: friendly offices to be extended to .....	685
their suffering in the famine .....	684, 686, 692
result of interposition in behalf of the Jews of Arzila .....	691
religious equality secured by treaties of San Stefano and Berlin, in Turkey, and the provinces made independent by those treaties .....	865, 894
Johnson, F. B., chairman Shanghai chamber of commerce: letter respecting Mr. Seward's report upon the currency of China .....	132
Johnston, Dr. William E., reports upon organization of international commission of scientific exchanges. (See France) .....	173, 175, 180
<b>Jurisdiction:</b>	
Austria: questions arising as to merchant flag or merchant ship of Montenegro within jurisdiction of; articles 26 to 33, treaty of Berlin .....	50, 894
Egypt: extension of jurisdiction of international tribunal .....	916, 920, 923
Great Britain: over territorial waters; bill introduced into the House of Lords to grant same; Franconia-Strathclyde case .....	245
<b>K.</b>	
Kars: the fall of; Turks retreat upon Erzeroum .....	849
Kickapoos and Lipans: raids and movements upon the frontier .....	537, 592, 621, 623
<b>L.</b>	
Labor reports: requiring such as to rates of labor; cost of living of laboring classes; relative cost for five years .....	2
Largomarsino: naturalized citizen; drafted into Italian army; his release requested; resisted by Italy; right of expatriation not recognized ..	458, 459, 490, 461, 464

	Page.
Las Vacas: alcalde of, co-operates in recovery of stolen Texas cattle .....	622
Law of allegiance:	
Italy. (See Largomarsino case.)	
Germany. (See Naturalization cases.)	
Switzerland .....	841
Law of extradition:	
Great Britain; report of royal commission .....	268
Colombia; illustrated by Scafford case .....	151
Mexico: illustrated by judgment of Supreme Court in the Dominguez and Barrera cases; opinions of Señors Ramirez, Bautista, and Vallarta..	560
Mieto and Bativerrez cases .....	668, 675
Rio Grand City jail cases .....	534, 535, 539
Subject generally discussed under treaty stipulations with Mexico..	572, 608, 668
Law of marriage in Italy .....	465
Law of territorial waters, as illustrated in the Franconia-Strathclyde case...	245
Layard, Sir A. H.: correspondence respecting the convention of Constantinople .....	886
Leghorn: customs regulations, port of .....	478
Lee, Edward: whaling-ship. (See cases of Ellen Rizpah, and Rising Sun: Spain).....	769, 775, 777, 784, 786
Leonhardt, Dr.: minister of justice; decree respecting naturalization cases..	225
Leo XIII: accession of Cardinal Pecci to pontificate as .....	470
Levant. (See Eastern question.)	
Liberia: arrival out of bark Liberia with 53 emigrants and two commissioners to locate land for colonies from Arkansas .....	523
boundary commission to meet after rainy season .....	265
impeachment trials of President and Secretary of the Treasury; Vice-President acting as President .....	520, 521, 523
President Gardner inaugurated .....	522
missionary efforts in interior .....	523
railroad from coast to highlands advocated by Dr. Blyden; American co-operation asked in the interest of commerce .....	281
Dr. Blyden's letter to be submitted to Congress .....	287
Li-Hung Chang: memorial in relation to the famine in China; asking authority to close distilleries .....	113
Lincoln, C. P., consul at Canton: circulation of trade-dollar in China .....	143, 145
Lingen, R. R. W., for lords of the treasury: in answer to Mr. Eaton's note as to British civil service .....	237
Lipans and Kickapoos: frontier Indians; raids and depredations; Mexican expedition .....	592, 621, 623
Lom: situation upon the, unchanged .....	849
Longitude: work of measuring difference between that of Lisbon and Madeira completed .....	743
Lord, E. C., consul at Ningpo: circulation of trade-dollar in China .....	143
Los Amigos: case of bark; extra tonnage-tax question. (See Spain).....	815, 818
Lush, Mr. Justice: opinion in Franconia-Strathclyde case .....	245

## M.

MacManns & Sons: case of: exactions in Chihuahua; cases of Muller, Nordwald, Thomas N. Smith, and Walter Henry; reports of Consul Smith..	527
Macrinizta: massacre at; death of Mr. Ogle .....	371
Madeira River survey: requesting letter from Mr. Borges to authorities of Para in behalf of commanding officer of .....	70
Mails: Spanish papers stopped in .....	798
Mail line of steamers: established between Brazil and the United States; trade needs; arrival of first steamer at Rio; return cargo .....	60, 61, 66, 67
necessity for, along western coast of South America; Peru .....	724, 729
Marriage: Italian law of; uncertainty of action of courts respecting marriages not performed in accordance with the provisions of the civil code .....	465
the negotiation of a treaty defining marriage contracts between Americans and Italians suggested .....	465
Martinez, Dr.: report upon the cholera in Fez and Mequinez .....	689
Mata, Mr.: appointed minister for foreign affairs; conversation as to frontier relations .....	552
Mata-Foster correspondence thought to presage war .....	570
reply to Mr. Evarts's instruction of August 13 .....	608
Maynard, Mr.: account of visit to Mount Athos, Salonica, and Mytilene .....	880
McCormick, Mr.: appointed Commissioner-General Paris Exposition; note from Mr. Waddington; dispatch from Mr. Noyes .....	168, 169, 181



	Page
Mehemet Ali Pasha and staff: murdered; account of his death.....	894
Melody and Condon: pardoned. (See E. O'M. Condon).....	285
Melikoff, General Loris: credit due him for Russian successes in Armenia...	849
Meiggs, Henry: application to President of Peru to replace with treasury notes the Meiggs notes issued in aid of public works.....	713
decree ordering substitution issued.....	714
reply of Meiggs to the national decree.....	716
Public Works Company of Peru.....	712
Mexico: addresses of President Diaz at opening of first and second sessions of Congress; as to domestic and foreign affairs.....	525, 545
arrest of Walsh, Camp, and Andrete at Nueva Laredo for refusal to perform military service; report of Commercial Agent Haynes.....	576
constitutional restriction upon re-election to next succeeding term of President and governors of States.....	549
contraband trade in Zona Libre.....	587, 654, 658, 660
debt: general and classified statements; bonds held in the United States; security; issue; secret purchases by Mexico; value.....	548, 624, 630
exactions upon Americans in Chihuahua and Coahuila; cases of MacManus & Sons; Muller; Nordwald; Thomas N. Smith; Walter Henry; murder of Henry; reports of Consuls Scott and Schuchardt.....	531, 592, 603, 606
Extradition question: general discussion of the subject.....	572, 608, 668
Cases of—	
Rio Grande City jail offenders.....	534, 535, 539
Dominguez and Barrera: judgment of Supreme Court; citizens may be extradited; opinions of Señors Vallarta, Ramirez, and Bautista.....	560
Mieto and Bativerrez: arrested in Mexico under extradition treaty, but secretly transported to Texas.....	668, 675
Frontier relations: expeditions across the frontier; Bullis; Shafter; Mackenzie; Ward; protests of Mexico; reports and utterances of the press; notes of the two governments.....	531, 536, 540, 552, 553, 555, 570, 572, 575, 592, 608, 664
depredations; raids; Indian question upon the frontier...	527, 537, 572, 592, 603, 606, 612, 621, 622, 623
murder of Walter Henry; seizure of his goods; customs authorities thought to be implicated; reports.....	603, 606
firing upon Consol Sutter's flag at Acapulco; by whose order unknown; regret expressed; commandant of fort at time to be tried.....	580
law as to ownership of realty in frontier States.....	575
ministerial changes; General Gonzales succeeds General Ogazon as minister of war; significance of the change; Mr. Mata appointed minister for foreign affairs.....	544, 552
matriculation question; case of Gustave Sommer; naturalized citizens; naturalization papers demanded by Mexico; State Department passport held to be sufficient evidence of citizenship by Mr. Foster.....	613
peace and order; domestic; outbreaks at Jalapa and Atzala; dissatisfaction in the army; prospect for dictatorship discussed.....	587, 658
attack of Catholics upon Protestants at Atzala.....	658
public works; American railway enterprises; hostility to connection with American railway system.....	549, 550, 636
letter to the Chicago manufacturers; discussing trade relations and facilities; business habits and conditions; debt; finances; customs regulations; public order; feeling toward American enterprises.....	636
re-establishment of relations with Great Britain being attempted; occasion of withdrawal of mission in 1867.....	534
revolutionary movements upon frontier; offenders to be prosecuted; insufficient evidence; experience of President Diaz; reports of Mexican consul at San Antonio, and of Captain Sellers.....	674, 675, 678, 679, 682
treasury embarrassments; officials unpaid; anticipation of resources; interest unpaid; currency difficulties.....	548, 587, 658, 660, 663
Yucatan hemp; European export bounty question; no action taken by Mexico.....	661
Mieto and Bativerrez: arrested in Mexico under extradition treaty, but secretly transported to Texas by Sheriff Cabe.....	668
attention of governor of Texas to be called to the case.....	675
Mine: Cerro del Pasco; Peru; tunnel to drain mine.....	712
Mining for coal and iron in China.....	122
Mint to coin gold and silver established at Buenos Ayres; decimal system of weights and measures substituted for old Spanish system.....	7
China: no steps taken to establish mint; foreign coined silver circulates at customary rates.....	93, 101, 141, 132

	Page.
Missionaries: China; activity in rendering aid to sufferers in the famine districts; famine report by Mr. Seward .....	109
Liberia: missionary movements in the interior .....	523
Egypt: reception into mission school of manumitted slaves .....	920
Mitré, General: and other revolutionists of 1874, restored to the army; reconciliation of parties; withdrawal of Mitré party from the cabinet; note from Mr. Garcia as to reconciliation effected .....	8, 10, 12, 14
Money: currency; Austria; based upon silver; specie payments suspended; no reserve against paper issue; paper depreciated; gold the ultimate standard; views of Baron Von Hoffman .....	30
China: currency circulation regulated by custom; coined silver received at market rate; higher than intrinsic value; memorandum upon currency of China by Mr. Seward; reports of consuls .....	93, 101, 132, 141
Mexico: double standard; gold driven out of circulation; silver unlimited legal tender; dependence upon London market rate; exchange 22 per cent. premium .....	663
Monetary conference: correspondence respecting its meeting:	
Conference to adopt its own programme; attendance commits to no line of policy; Mr. Everts to Mr. Kasson and Mr. Welsh .....	51, 264
Austria .....	35, 41, 43, 48, 49, 51
Belgium .....	54, 56, 59
France: members of Latin Union to act together; Paris selected for place of meeting; France to issue invitations .....	172, 175, 176, 178, 179
Great Britain .....	264, 266, 279
Greece .....	372
Italy .....	175, 176, 474
Netherlands .....	700
Russia .....	757, 761, 763
Switzerland to attend, but in favor of single standard .....	834, 836, 837, 838
Subjects submitted for its consideration:	
the establishment of a common unit for international use and account... of standards of currency with view to adoption of a uniform and universal system .....	34 264
an international rule respecting bills of exchange .....	834
Montenegro: relations with Austria; necessity for consul at Antivari... qualified independence granted; no war flag or ships of war; commercial association with Austria; articles 1 and 2, treaty of San Stefano... articles 26 to 33, treaty of Berlin .....	50 865 894
Moorsom system of admeasurement of vessels:	
Netherlands; plan of application different in two countries; basis of acceptance of each other's certificates proposed .....	703
no reason seen to change American practice; customs officers are directed to deduct from gross tonnage under foreign admeasurement places and closed spaces exempt from tonnage tax by our law .....	706
reciprocal exemption of each other's ships from readmeasurement .....	707, 708
Spain: excessive tonnage-tax imposed upon American vessels in Cuba through readmeasurement; report of Consul-General Hall illustrating effect of practice .....	765
temporary agreement as to Cuba reached .....	768
acceptance by Spain of agreement to receive each other's certificates of admeasurement desirable .....	768
if Spanish certificates express tonnage capacity of all parts of ships, they will be accepted; only such parts as are exempt by Spanish law, but not by our law, will be readmeasured .....	774
difference in details in application of system in the two countries explained acceptance by Spain of Moorsom system; Spanish certificates issued since 1876, expressed in terms of gross and net tonnage. (See Tonnage tax)... ..	787 764
Morocco: famine and great suffering; no rain in southern provinces; flour imported; apathy of the government; superstition of the people; foreign aid the only reliable aid .....	684, 686, 692
cholera in Fez and Mequenez; report of Dr. Martinez; filthy condition of the cities .....	689, 692
the Jews: their condition; friendly offices exerted; result at Arzila; suffering in the famine .....	685, 691, 692
observance of the Fourth of July .....	687
enlargement of Christian cemetery .....	688
Moukhtar Pasha: retreat upon Erzeroum; title of Ghazi conferred upon him..	847
Muirhead, W.: China famine; relief report .....	118
Müller: case of. (See Mexico) .....	527

	Page.
Murad V, Ex-Sultan: attempt to restore him to the throne .....	882
Murray, Admiral: presentation to the King of the Hawaiian Islands .....	378
Myteline: visit of Mr. Maynard; consular suite; importance attached to re- tinue in the East .....	880

## N.

Nadal, Mr. E. S., second secretary of legation at London: report upon the organization of the British diplomatic service .....	251
Narino, steamer General: crew Americans; arrived at Port au Prince in distress .....	408
Naturalized citizens:	
Germany: cases of: Julius Bäumer .....	210, 228
Ganzenmüller and Weil .....	216, 229
Willmek .....	225
Subject discussed: valid cases complicated by improper ones; chief cause of trouble, the failure of naturalized citizens to observe local laws; neces- sity of test of intention clause demonstrated .....	210, 216, 225, 229, 232, 233
Mexico: Case of Gustave Sommer; application for matriculation; naturali- zation papers demanded by Mexico; Mr. Foster holds State Department passport sufficient evidence .....	613
Natural science society of Caracas: report upon notable rainfall at Caracas, December 3, by the .....	941
Negro emigration: arrival out of bark Liberia with 53 emigrants .....	523
two commissioners from Arkansas visit Liberia to select land for colonies ..	523
Netherlands: report upon the proceedings at the meetings of the Interna- tional Workingmen's Association, and the socialist congress at Verviers and Ghent .....	694
American workingmen's party in correspondence with the socialist party in Europe, with common aims .....	694
laws of wills and of the settlement of estates .....	696
numerous American claimants without data of any kind as to the estates which they claim .....	696
see admeasurement of vessels .....	703, 706, 707, 708
montary conference .....	700
reception of General Grant .....	701
States General: opened by the King; speech from the throne .....	702
Neutrality: interest manifested in our ability to maintain same in event of war between Russia and England .....	39
"three rules clause" of treaty of Washington; right to buy ships in our ports pending hostilities discussed .....	39
Newport: thanks of British Government for reception accorded fleet at .....	313
New Zealand: thanks of the government of, for salmon ova .....	348
Nicaragua: friendly relations with Costa Rica restored .....	80
A. Nones & Co., case of. (See Haytian consular tax question). 411, 415, 416, 427, 445	
Norway. (See Sweden and Norway.)	
Nubar Pasha: appointed by the Khedive president of the council, to intro- duce reforms into Egyptian administration .....	924, 926

## O.

Odessa: torpedo regulations .....	762
Ogle, Mr.: an Englishman, murdered at Volo .....	371
his funeral in Athens; vast concourse of people; the massacres at Mac- rinitza .....	371
Okubo, Toshimichi, Mr.: Japanese minister of the interior; assassinated; last words; a sketch of his career .....	491, 495, 499
assassins arrested; connected with the Satsuma rebels; their address to the Emperor: executed .....	499, 511
the Emperor presents 30,000 yen to the family of Mr. Okubo .....	512
Ord, General: his visit to Washington respecting frontier relations occasions great excitement in Mexico .....	570
the revocation of the "Ord order" to follow marauders across the fron- tier a condition precedent to Mexico's assent to "reciprocal crossing" ..	608
Outrey, Mr.: inquiring as to State or national law prohibiting the transporta- tion to the United States of criminals .....	192
reply: extract from the statutes of Massachusetts, and a copy of the act of Congress of March 3, 1875 .....	193

## P.

	Page.
Pajes, Felix: a priest; shot while attempting the assassination of President Barrios .....	73
effect of his death .....	74
Panama: C. G. Serrafford; released from custody while <i>en route</i> from Peru at...	151
Pardo, Ex-President: in exile; elected president of the Peruvian senate; Congress organized by the "civilist" party .....	731
Paris Exposition of 1878:	
invitation accepted by the United States .....	168, 169
Mr. McCormick's appointment as Commissioner-General .....	163, 169
success of exhibit; shall receive relatively more prizes than any other nation .....	181
Paris selected as place of meeting for the monetary conference .....	176
Paraguay: Papers in boundary case submitted to the President, received; award in favor of Paraguay; acknowledgment of the receipt of the award .....	709, 710, 711
Parliament, British: ceremony upon opening; reception of eminent men; speech read by the lord chancellor .....	242
Patterson, Admiral, and staff: presented to the Emperor of Japan .....	483
Pecci, Cardinal: becomes Pope under the title of Leo XIII .....	470
Persia: foreign trade of; opening for American commerce .....	46
Peru: thanks of the President to Mr. Geo. F. Seward .....	140
Arequipa: revolutionary movements at; Colonel Suarez proclaimed provisional President; revolt suppressed .....	732, 733
Chinese: their position in Peru; representative needed .....	716, 733
strong efforts to induce the emigration of Chinese from California .....	716, 721
failure of the Olyphant emigrant line of steamers; opposition of Governor of Hong-Kong .....	723, 733
Peruvian mission to be sent to China .....	720
trade: report upon; in the hands of the English; freights against the United States; no direct communication; articles of import and export .....	724
President anxious to negotiate a reciprocity treaty as to grain and sugar; government party defeated in elections; "civilists" successful; they organize Congress by the election of Ex-President Pardo to the presidency of the senate .....	729
treasury notes issued in exchange for the "Meiggs notes" .....	731
Phylloxera: appears in Spain; danger to wine interests; precautions taken .....	712
Philipsborn, von Mr., notes from, in Bäumer and Ganzenmüller cases. (See naturalization and Germany) .....	798
Pierrepont, Mr.; authorized to attend telegraph congress .....	228, 229
takes leave of the Queen .....	237
Piteairn's Island: its population .....	241
Police system of Russia. (See trial of Vera Zaslulich) .....	98
Plevna: still held by the Turks; position at the Shipka Pass and upon the Lom unchanged .....	758
Popo: Pius IX; fiftieth anniversary of his election to the episcopate celebrated .....	849
proposition to retire from Rome, with Curia, to Lyons .....	417
death of Pius IX .....	457
election of Cardinal Pecci, under the title of Leo XIII .....	470
Port au Prince: revolution; suppressed by President Canal .....	470
Portugal: opening of the Cortes; speech of the King; finances in an unsatisfactory condition; public works question; condition of the country .....	431
change of ministry; Señor Fontes president of the council .....	739, 744
General Grant's visit .....	742
Postal Union of Berne: Argentine Republic enters Union .....	736, 745
Prado: President of Peru; decree authorizing issue of treasury notes in place of the Meiggs notes .....	11
Press suspensions in Spain removed upon announcement of the pacification of Cuba .....	714
Price lists: of goods shipped to the United States to be furnished by consular officers .....	791
Prison Congress at Stockholm: second international meeting; proceedings; subjects discussed .....	1
next general meeting to be held in Rome in 1884 .....	824
executive committee hereafter to consist of delegates chosen by respective governments .....	824
Protection: a noticeable change from free trade to protection:	
Austria: free trade treaty with Germany denounced .....	19, 29, 32, 44

	Page.
<b>Protection—Continued.</b>	
France: tendency in direction of, higher duties; a return to the policy of the period before 1860; policy, a barter of privileges.....	170
Germany: tariff revision, and higher duties .....	202, 204
Mexico: duties highly protective; State as well as national duties imposed upon foreign goods .....	636, 660
Spain: tendency to compel special trade conventions .....	794
Switzerland: tariff revision; higher duties .....	829
<b>Prussia:</b> government of, requests dissolution of the Reichstag .....	215
ministerial changes; status of ministers changed by the imperial chancery organization bill .....	209
<b>Public Works Company of Peru</b> .....	712
<b>Punta Arenas:</b> Chili appoints claims commission in respect of revolt at .....	82
<b>R.</b>	
<b>Railways:</b>	
Argentine Republic; aid granted to Trans-Andine Railway .....	7
Austria-Hungary: railway system of the Valley of the Danube; its influence upon action of Austria .....	44
China: The Woosung Railway; diplomatic protest against its destruction.. great numbers of Chinese carried; impression made; railway future discussed .....	94
right to build a coal road north of Tientsin granted .....	95
right to build a coal road north of Tientsin granted .....	122
Mexico: discussion in Congress; opposition to Palmer-Sullivan contracts; hostility to connection with American railway system .....	550
speech of Mr. Chavero in Congress opposing American railways in Mexico.. full discussion of the subject in Mr. Foster's Chicago letter .....	550
full discussion of the subject in Mr. Foster's Chicago letter .....	636
Peru: railway enterprises of Henry Meiggs; government decree granting relief and aid .....	712
Portugal: concession and aid to the Beira Alta Railway, shortening through time to Paris .....	744
Turkey: railways in provinces separated from Turkey to pass to them; compensation being made. (See Treaties San Stefano and Berlin) .....	865, 894
Rainfall: notable, at Caracas, October 3; extract from report of Society of Natural Sciences; theory as to hail .....	947
Ramadan, feast of: cholera in Morocco; thought to have appeared in consequence of the congregations at the .....	692
Ramie, or China grass: trial of machines for preparation of, to be held in India in 1879 .....	337
Ramirez: magistrate; opinion of, in extradition case of Dominguez and Barrera .....	560
Read, Mr. J. M.: value of his services recognized by the department .....	377
Realty: law respecting ownership of, in frontier States of Mexico .....	575
Reichstag: Prince Bismarck's speech in, upon the Eastern question .....	195
considering bill to reorganize the Imperial chancery, and to increase the revenue .....	202, 204
government bill to suppress social democratic demonstrations defeated by a vote of 57 to 251 .....	212
its dissolution proposed by Prussia .....	215
Religious liberty: conceded throughout Turkish Empire. (See treaty of Berlin) .....	894
See Mr. Kasson's dispatches June 5, August 3 .....	42, 50
See Mr. Taylor's dispatch July 15 .....	227
<b>Revolutionary movements in</b>	
Argentine Republic .....	5, 10, 12
amnesty to Mitre party .....	8, 10, 14, 15
Mexico—at Jalapa, Atzala, and other points: dissatisfaction in the Army.. movements of Escobedo and others upon the frontier ....	587, 658
(See Internationalism and socialism.) .....	674, 675, 676, 678, 679, 682
Reynolds, Admiral: correspondence respecting harbor rules for Yokohama...	488
Richards, Timothy: reports and papers upon the North China famine .....	110, 118
Ridel, Bishop: arrested by Koreans .....	131
Rio de Janeiro: steamship City of: arrival in Brazil; visited by Emperor and Empress; return cargo of 37,000 sacks of coffee .....	67
Rio Grande City jail extradition cases:	
proceedings at Matamoros .....	534
inquiry if Mexico has information of their punishment under penal code.. Mexico has no information of the punishment of the offenders .....	535
Mexico has no information of the punishment of the offenders .....	539
Right of search. (See next entry.)	

Rising Sun and Ellen Rizpah : cases of; whaling-ships fired upon in Caribbean Sea by Spanish cruisers; case presented to Spanish government; damages allowed, \$10,000, to be divided between the two ships.....	769, 775, 777, 784, 786
Rogers, Commander: conduct at Punta Arenas approved.....	82
Rome: influx of pilgrims to attend the celebration of the fiftieth anniversary of election of Pius IX to the episcopate.....	457
meeting of ecclesiastics: propriety of removal of Pope and Curia to Lyons, discussed.....	457
the death and funeral of King Victor Emanuel.....	467, 469
the death of Pope Pius IX.....	470
the election of Cardinal Pecci to the pontificate as Leo XIII.....	470
next annual meeting of international prison congress to be held in, in 1884.....	824
Roumania: article 5, treaty of San Stefano.....	865
article 43 to 51 inclusive, treaty of Berlin.....	894
See Mr. Kasson's dispatches of June 5 and August 13.....	42, 50
See Mr. Taylor's dispatch of July 15.....	227
East Roumelia: articles 13 to 22 inclusive, treaty of Berlin.....	894
Russell, Lord Odo: opinion upon the British diplomatic service. (See Mr. Nadal's report).....	251
Russia: protest of American merchants as to discriminating duty in favor of tools and wines imported by land.....	747
subject discussed; held to be a bounty, and to that extent a tax upon American importations, and in violation of the treaty of 1832.....	751, 752, 755
amendment of regulations declined; provision not thought to infract treaty of 1832.....	762
finances: article from Journal of St. Petersburg; budget for 1876 more favorable than anticipated.....	749, 753
enthusiastic reception of the Emperor upon his return from the army.....	754
trial of Vera Zasulitch for attempt upon the life of General Trepoff; police system on trial; crime confessed; verdict not guilty.....	758
monetary conference; invitation accepted; appointment of Mr. de Thoenner as delegate.....	757, 761, 763
text of treaties of San Stefano; convention of Constantinople; Lord Salisbury's note of April 1, and Prince Gortschakoff's reply of April 9; treaty of Berlin. (See Mr. Maynard's dispatches).....	865, 872, 894

## S.

Safvet Pasha: appointed Grand Vizier.....	885
negotiates the convention of Constantinople.....	886, 889
Salisbury, Lord:	
Eastern question; appointed minister for foreign affairs upon resignation of Lord Derby.....	259
circular of April 1, defining the position of Great Britain, and criticising the treaty of San Stefano.....	260
reply of Prince Gortschakoff of April 9.....	872, 877
convention of Constantinople; note of Lord Salisbury to Sir A. H. Layard of May 30, and correspondence of Sir A. H. Layard touching the same..	886
text of treaty of San Stefano.....	865
text of treaty of Berlin.....	894
Fishery question: note of August 23, inclosing Captain Sullivan's report; Fortune Bay, coast of Newfoundland, outrage.....	284
reply of Mr. Evarts of September 28.....	304
reply of Lord Salisbury of November 7.....	323
Sullivan, Capt. George L.: reports.....	284, 323
Samoa: Apia; consul at, rescued by Captain Aube, of the French man-of-war Le Seignelay.....	165
Samples of imported goods to be sent to customs officers at port of destination, not of first arrival.....	2
asking if a limitation may not be put to the consular demand for samples in Germany.....	234
reply; required for appraisers; consuls will be instructed not to allow samples to be seen.....	235
Sanitary and commercial reports for use of Surgeon-General Marine Hospital Service.....	3
San Domingo. (See Dominican Republic; Baez; Hayti).....	
San Marc and Quartier Marin; outbreak.....	408
San Stefano: progress of negotiations; demands of Russia.....	855
treaty of, signed March 3.....	859
historical sketch of.....	859

	Page
San Stefano: text of treaty of .....	865
see treaty of Berlin .....	894
Santa Cruz: negro revolt; great destruction of property .....	160
Santa Fé: Argentine Republic revolutionary movements .....	10
Say, Leon, M.: appointed minister of finance in Dufaure cabinet .....	167
Sarmiento, D. C.: adherents engaged in revolution in province of, San Juan, Argentine Republic .....	5
Schlesvig: Danish army not to occupy .....	571
Schlözer Mr. Von: note in relation to samples required by consuls in Germany .....	214
Schouvaloff, Count: mission of; thought to have been successful .....	39
in the congress of Berlin .....	221
Schuchardt, Wm.: commercial agent at Piedras Negras; reports concerning the murder of Walter Henry .....	603, 606
Scott, Lewis H., consul; report of; exactions upon Americans in Chihuahua .....	5:7
Scrafford, C. G.: released from custody at Panama by order of Colombian Government .....	151
Sellers, Captain: reports upon revolutionary movements on the Mexican frontier .....	692
Seward, Mr. George F.: report upon the currency of China .....	132
thanks of the Shanghai Chamber of Commerce .....	140
thanks of the President of Peru .....	140
Servia: article 3, treaty of San Stefano .....	835
articles 34 to 42 inclusive; treaty of Berlin .....	894
existing treaties unaffected .....	50
Shah of Persia: visit to Austria .....	46
visit to Russia .....	760
Shanghai Chamber of Commerce commending currency report of Mr. G. F. Seward .....	132
thanks to Mr. Seward for his efforts in relation to harbor conservation ..	140
harbor rules presented by Chinese Government, and approved by foreign representatives .....	103, 105
river and harbor conservation discussed; consuls to gather data for submission by their governments to competent engineers .....	105, 107
[See Woosung railway and telegraph.]	
Shepard, Isaac F., consul at Hankow: circulation of trade-dollar in China ...	144
Silistria: dissatisfaction with treaty of San Stefano by inhabitants of .....	39
Silver standard: effect of the adoption of, upon Austrian revenues .....	19
Silver: basis of issue of Austrian paper money; specie payments suspended; no prospect of resumption .....	30
unlimited legal-tender in Mexico; gold driven out of circulation; fall in price in London unfavorable to Mexico .....	663
Sitting Bull: precautions taken by Government of Canada respecting .....	344
Smithsonian Institution: its relation to international exchanges .....	173, 175, 180
Socialism and internationalism in—	
Germany .....	212, 214, 215
Netherlands and Belgium .....	694
Russia .....	758
Spain .....	801, 819
Soden, Baron von: currency circulation of China .....	142
Sommer, Gustave: naturalized citizen; matriculation refused by Mexico because based on State Department passport alone; demand for naturalization papers .....	613
Sonora: raids into and from; report of Mr. Escalante, Mexican consul in Arizona .....	592, 623
Spain: approaching marriage of the King announced .....	773, 808
the marriage of the King to the Princess Mercedes .....	780
the death of the Queen; widespread distress; sympathy of the President .....	791, 792, 817, 818
attempt upon the King's life; the assassin a socialist .....	801, 819
Admeasurement of vessels:	
excessive tonnage-tax imposed upon American vessels in Cuban ports through readmeasurement .....	765
temporary agreement to receive American certificates of admeasurement in Cuban ports entered into .....	765
correspondence in reference to reciprocal acceptance of certificates of admeasurement .....	764, 765, 768, 774
difference in application of Moorsom system in the two countries .....	767
Spanish certificates issued since 1876 expressed in terms of gross and net tonnage .....	764

	Page.
Spain—Continued.	
protesting against extra tonnage-tax on Spanish vessels, and claiming exemption on ground of admission into Spanish ports of American vessels on equality with Spanish vessels.....	787
Extra tonnage tax:	
tax remitted upon assurance of no discrimination against American ships in Spanish ports.....	806, 807
case of <i>Los Amigos</i> : requesting the refunding of extra tax whether paid under protest or not.....	815
the Treasury willing to refund tax.....	818
Cuba: pacification of, announced; official proceedings in Spain; suspension removed from certain papers.....	789, 791
note from Mr. Mantilla announcing the surrender of the rebels and the pacification of the island; terms of surrender; leaders of the rebellion chiefly foreigners.....	809, 815
army in Cuba to consist of as many troops as may be necessary.....	788
Americans in Cuba excluded from participation in exemption from payment of arrears of taxes.....	880
embargoed estates to be restored.....	809
cases of the <i>Ellen Rizpah</i> , <i>Rising Sun</i> , and <i>Edward Lee</i> , whaling ships, fired into by Spanish cruisers in the Caribbean Sea.....	769, 775
Spain agrees to pay \$10,000 damages for the <i>Ellen Rizpah</i> and <i>Rising Sun</i> ; damages accepted; payment to be made through <i>Señor Mantilla</i> .....	777, 784, 786
recognition of promptness of payment of awards of Claims Commission.....	777
Spanish shipping: effect upon, of abolition of differential dues in favor of national ships.....	799
strength of army in Spain 100,000 men.....	788
tariff policy: to induce special conventions; tariff changes for 1878-79....	794
"direct voyage" defined.....	794
the phylloxera appears among the vines; great danger to the wine interest; precautions taken.....	778
Stahel, Vice-consul-General, Shanghai: circulation of trade-dollar.....	145
Stalberg, Count: German Ambassador at Vienna; appointed vice-chancellor of the Empire.....	209
Standard of value: gold the ultimate; views of Baron von Hoffman; currency dispatch of Mr. Kasson.....	30
double standard in Mexico; unlimited silver legal tender; result, gold driven out of circulation; Mexican values dependent upon the price of silver in London.....	663
Stanford, V. F. B.: prize for best essay on hydrophobia.....	358
Stickine: case of steamboat <i>Nellie</i> ; free navigation under treaty of Washington obstructed by Canadian customs regulations.....	352
Stone, General, and but one other American officer, remain in the service of the Khedive.....	922
Strathclyde-Franconia collision case; (see Territorial waters; Great Britain)..	245
Suarez, Colonel: leader of Arequipa revolution.....	732
Sugar: Peru desires to negotiate a reciprocity treaty, exchanging free admission for American grain against free admission into our ports of Peruvian sugar.....	729
Sullivan, Captain: reports in the Newfoundland coast, Fortune Bay, fishery outrages.....	284, 323
Sutter, Consul: the firing upon his flag at Acapulco in May, 1877; (see Mexico).	580
Sweden and Norway: review of naval recruits; exercises conducted by the King.....	822
constitution of naval reserve: men pass after one year's service as recruits into naval reserve for twenty years; aggregate 6,000 men.....	822
recruits drawn from maritime provinces.....	822
relative rates of wages of ordinary seamen of the two countries.....	820
second meeting of the international prison congress at Stockholm; proceedings.....	824
visit of General Grant.....	823
Switzerland: celebration of Washington's birthday; participation of the President of Switzerland.....	828
finances in unsatisfactory condition; deficits anticipated; increased taxation.....	829
higher duties, especially on tobacco.....	829
a military tax imposed; liability of American citizens.....	841
emigration statistics.....	841
right of expatriation denied; suggestion that negotiation be resorted to to secure recognition of the right.....	841



## T.

	Page.
Tael: Chinese standard of value; extended memorandum upon the currency of China by Mr. Seward .....	132
Tamnatave: refusal of British consul to consider cases between Americans and British subjects .....	257
his action restricted by treaty stipulations .....	257
England willing to consider proposals to enlarge consular jurisdiction ..	257
<b>Taxation:</b>	
Austria-Hungary, disagreement between the delegations respecting .....	29
increased taxation to meet deficits and to protect domestic industry resorted to .....	29, 32, 44
Chili: deficits for several years; income tax suggested; increased imposts .....	83, 91
France: tariff revision; return to protection; higher duties .....	170
Germany: increased taxation; the budget for 1878-79 .....	202, 204
Hayti: the consular invoice fee of 1 per cent. held to be a measure of taxation .....	416
Japan: 52,275,000 yen to be raised by taxation; three-fourths of the whole tax now raised from the land tax .....	513
Tokei Times; report of the minister of finance .....	514
Mexico: increased taxation; active contraband trade; revenues falling off .....	658, 660
Portugal: deficiency \$3,000,000; increase of taxation .....	744
Russia: article on finances and war expenses from Journal of St. Petersburg; budget for 1876 .....	751, 753
Spain: tariff changes for 1878-79 .....	749
Switzerland: deficits anticipated for some years to come; increased military expenses; higher tariff, especially on tobacco .....	829, 841
Egypt: ministry reconstituted; Rivers Wilson report of inquiry accepted; revenue reform instituted .....	924, 926
Tunis: increased tonnage tax to meet expenses of light-house service ..	931, 932, 933
Taylor, Mr. Bayard: his appointment as minister to Berlin received with satisfaction .....	204
received by Prince Bismarck, and has audience with the Empress; the message of the Emperor .....	221, 223
Telegraph conference: Mr. Pierrepont authorized to attend .....	237
Tereshima Munenori: respecting harbor regulations for port of Yokohama ..	489
Territorial waters: question of jurisdiction of courts of England over, as illustrated in the Franconia-Strathclyde case .....	245
speech of Lord Cairns in introducing bill to confer jurisdiction over .....	245
territorial waters defined by Lord Cairns; European and American authorities cited .....	245
Tientsin, viceroy of: grants concession to mine iron and coal and build railroad .....	122
Tong King-Sing, Mr.: receives concession to mine coal and iron and build railway north of Tientsin .....	122
Tokei garrison: revolt of part of; order of minister of war; revolt suppressed.	504
Tonnage tax, Spain: excessive charges made in Cuban ports through reamasurement of vessels; (see Consul-General Hall's report) .....	765
protesting against 50 cent advance in tonnage tax upon Spanish vessels, and basing request for its remission upon equality accorded American ships with Spanish ships in Spanish ports .....	804
excess of tax to be remitted upon proof of reciprocity enjoyed in Spanish ports .....	805, 807
case of bark Los Amigos; amendment of treasury circular to include all cases where excess was paid, whether under protest or not, asked .....	815
Treasury Department willing to refund excess of tax .....	818
(See Admeasurement of vessels; Moorsom system; The Netherlands; and Spain.)	
Tourists' effects: customs circular from the Treasury .....	184
Trade reports: as to state of trade; business habits and systems; character of circulating medium; relation borne by paper to coin .....	2
<b>Trade:</b>	
Austria: great depression prevails; attributed to effect of free-trade treaty with Germany; treaty denounced .....	19
Brazil: chiefly in the hands of the English; American goods shipped to England and re-exported thence to Brazil; need of direct communication with the United States; steam line established .....	60, 61, 65, 67
Central America: coffee crop generally good; peace prevails .....	80

	Page.
<b>Trade—Continued.</b>	
Chili: time favorable for negotiation of commercial treaty .....	85
trade depressed; committee of inquiry as to causes of depression appointed .....	83
France: trade policy indicated by tariff policy; a barter of privileges policy .....	170
Germany: trade policy indicated by tariff revision in direction of increased taxation .....	202, 204
Greece: trade report; imports \$18,500,000, exports \$11,400,000; enumeration of articles of import and export .....	358
duty on cotton and cotton seed abolished .....	360
Hawaiian Islands: Americans not taking advantage of reciprocity treaty; trade in hands of European traders .....	379
articles of import indicated .....	379
Hayti: excessive consular invoice tax repressive in its effect; agriculture in a low condition; coffee crop good .....	411, 446
Mexico: contraband trade unrestrained; "honest commerce" endangered .....	578, 660
trade with the United States discussed in letter to Chicago manufacturers .....	636
(See Mexico; Frontier relations.)	
Morocco: affected by the famine and cholera; food imported; prices advanced 300 per cent .....	684
Persia: aggregate foreign trade \$18,000,000; opening for American enterprise .....	46
Peru: trade report; exports and imports; bulk of trade with England; no means of direct communication with the United States; freights against the United States .....	724
anxiety of Peru to negotiate reciprocity treaty, admitting grain free of duty in exchange for admission of sugar free into our ports .....	729
Portugal: country measurably prosperous; deficits; heavy taxation .....	744
Russia: discriminating duty in favor of tools and wines imported by land .....	747, 751
Spain: the trade policy indicated by tariff policy to compel special trade treaties; tariff changes for 1878-'79 .....	794
Switzerland: suffering great depression; increased expenses and increased taxation .....	829
Egypt: report upon the coal trade; in the hands of England; imports, at Alexandria, 300,000 tons; at Port Said, 250,000 tons .....	914
Venezuela: Great depression; coffee crop a partial failure; revival dependent upon good coffee crop .....	939, 940, 943
<b>Trade dollar:</b> China: currency circulation regulated by custom; trade dollar circulates in Amoy, Canton, Foo Chow, Swatow, and the Formosan ports; received for customs at proclamation rate; the subject of its circulation fully discussed in consular reports .....	93, 101, 141
"Chopping" or mutilation of coin; means of prevention greatly needed .....	141
See Mr. Seward's memorandum upon the currency of China .....	132
<b>Tariff:</b>	
Austria-Hungary: tariff policy revision and advance in rates .....	19, 24, 29, 32, 44
Guatemala: reduction of duty on flour \$1 per quintal .....	75
Chili: tariff policy; revision and advance in rates .....	83, 91
France: tariff policy; revision and advance in rates .....	170
Germany: tariff policy; revision and advance in rates .....	202, 204
Greece: duty on cotton and cotton seed abolished .....	361
Hawaiian Islands: efforts of England to have rate of discriminating duty incidentally imposed through operation of reciprocity treaty fixed at 10 per cent. ad valorem .....	382
Hayti: increase of duty through imposition of invoice-certification tax .....	416
Mexico. (See Debt and trade reports.)	
Peru. (See Peruvian finances and trade reports): policy to negotiate special trade treaty as to grain and sugar .....	712, 724, 729
Russia. (See article on Russian finances) .....	749
Spain: tariff policy to induce negotiation of special trade treaties; tariff changes for 1878-'9 .....	794
Switzerland: tariff policy; revision and advance in rates .....	829
Egypt: policy of reform under the Rivers Wilson programme .....	924, 926
<b>Trade-mark convention with Great Britain signed .....</b>	<b>237</b>
<b>Treasury:</b>	
Netherlands; Spain; Moorsom system .....	703, 706, 707, 708, 765, 7 68, 774, 787
(See Admeasurement of vessels.)	
tonnage tax (Spain and Tunis) .....	765, 804, 806, 807, 815, 818, 931, 932, 933
discriminating duties (Russia) .....	747, 751, 752, 755, 758, 762
Haytian invoice tax .....	411, 415, 416, 427, 428, 445

	Page.
Treasury—Continued.	
dutiable articles between Canada and the United States .....	350, 351, 355, 357
collisions at sea .....	354, 355
aid to disabled ships .....	351, 352
consular certificates to clearances .....	71
Treaty: "most favored nation" clause best basis for commercial treaties ....	19
Austria-Hungary; free trade treaty with Germany denounced .....	19
Chili: effect of denunciation of 1849 upon treaty of 1832 .....	85, 87
power to negotiate new treaty will be granted if time be thought favorable	87
China: treaty with Spain as to treatment of Chinese in Cuba; good offices	
of the United States requested; text and analysis of treaty .....	96
Colombia: extradition treaty to be negotiated; case of C. G. Scrafford ...	151
France: commercial policy to require negotiation of special trade treaties..	170
Germany: naturalization cases under treaties of 1838 .. 210, 216, 225, 228, 229, 232, 233	
Great Britain: report of the royal commission on extradition; a revision	
of laws and treaties suggested .....	265
Italy: consular convention denounced by Italy; objection taken to Article	
VI, respecting immunity to consular dwellings; willing to negotiate	
new treaty omitting that clause .....	462
recommending a treaty respecting marriages contracted between Italians	
and citizens of the United States; great uncertainty as to the attitude	
of the Italian courts respecting marriages performed without strict ob-	
servance of the civil code .....	465
Persia: possibility of negotiating a favorable trade convention with, sug-	
gested .....	46
Peru: a reciprocity treaty respecting grain and sugar desired .....	729
Russia: discriminating duty on importations by land thought to be an in-	
fraction of the treaty of 1832 .....	747, 751, 752, 755, 762
Switzerland: negotiation of a treaty to secure recognition of right of expa-	
triation, suggested .....	841
Russia-Turkey: armistice .....	855
treaty of San Stefano, text .....	865
treaty of Berlin, text .....	894
convention of Constantinople, text .....	896
An examination of existing treaties, in view of the changes made by the	
treaties of San Stefano and Berlin, recommended by Mr. Kasson .....	50
Trentino: the question of the, discussed .....	475
Trieste: Austrian by five centuries of occupation .....	475
Tunis: Gettysburg visits ports of; well received; President gratified at reception	929, 931
tonnage tax advanced to meet light-house expenses .....	931, 932, 933
Turkey: the military situation in Armenia, upon the Lom, at the Shipka Pass,	
and at Plevna .....	847, 849
British fleet off the Bosphorus; Russians threaten to enter the city; con-	
sternation .....	853
corps of Christians to be added to the army .....	849, 852
speech of the Sultan upon opening Parliament; reforms promised .....	852
summary of armistice .....	855
treaty of San Stefano; historical sketch of San Stefano .....	859, 865
text of Lord Salisbury's note of April 1, and of Prince Gortschakoff's reply	
of April 9 .....	872
text of convention of Constantinople; Cyprus occupied .....	886, 890
Turkish note upon the claims of Greece .....	890
text of treaty of Berlin .....	894
condition of Armenia, Bulgaria, and the Turkish provinces generally	
since the war .....	890, 894, 913
rapid changes of ministry; Salvet Pasha appointed grand vizier .....	884, 885
passport and police regulations .....	894
stipulations of treaty of Berlin being executed .....	890
Turkey the field of diplomatic intrigue .....	38
visit of General Grant; press accounts .....	861

## U.

Uruguay: revolutionary movements; Ex-Minister Machain killed; quiet re-	
stored .....	934

## V.

Vallarta Señor: opinion of, in extradition case of Dominguez and Barrera ....	560
Mr. Foster to unofficially inform him of the particulars of the Shafter ex-	
pedition .....	536

	Page.
Vincent, St.: new site for naval cemetery at, selected .....	737
Venezuela: commercial depression; revival dependent on good coffee crop...	940
continued depression; short coffee crop; excessive contraband trade .....	944
constitutional convention called; uneasy political feeling .....	943, 944
celebration of Fourth of July; press of Caracas upon the United States ..	938
Brazil contrasted with the other South American countries; press com- ments; superior order, and higher civilization recognized .....	941
national festival in commemoration of Bolivar .....	948
Von Hoffman, Baron: Austrian minister of finances; financial views .....	30
Vizier, Grand: office restored; that of prime minister abolished; Safvet Pasha appointed .....	884, 885
Victor Emmanuel: King of Italy; death; sketch of his career .....	467, 478, 479
the funeral: attended by foreign representatives; a vast concourse of people from all parts of Italy .....	469
memorial services at Washington; attendance of the President .....	479, 480
Volo: the Marion sent to; murder of Mr. Ogle; massacre of Macrinitz; funeral of Mr. Ogle in Athens .....	371, 372
Vera Zasulich: trial of, for attempt upon the life of General Trepoff .....	758
Vessels: inquiring if Canada will allow American vessels to aid those disabled in Canadian waters in exchange for same right to be granted to her vessels in American waters .....	351
case of tug Champion; need for such reciprocal agreement illustrated ...	352
sailing rules for the avoidance of collisions at sea; accepted by the United States .....	354, 355
(See Admeasurement of vessels: Moorsom system.)	
(See tonnage tax.)	
(See frontier relations with Canada: case of steamboat Nellie; restrictions upon the free navigation of the Stickine.)	

## W.

Waddington, Mr.: appointed minister for foreign affairs of France .....	167
note respecting acceptance of invitation to the Paris Exposition; appoint- ment of the commissioner-general .....	169
Wages and rations of ordinary seamen: relative rates in Sweden and the United States .....	820
Walsh, Camp, and Andrete arrested at Nueva Laredo for refusal to perform military service .....	576
Washington, treaty of: fishery articles; Halifax award; protest, and payment under protest .....	290, 314, 315, 316, 333, 334
Newfoundland: Fortune Bay outrage .....	346, 284, 308, 314, 323, 333
Article XXX: transportation of dutiable articles between Canada and the United States .....	350, 351, 355, 357
Alaska: boundary line in valley of the Stickine temporarily estab- lished .....	339, 346, 347
free navigation of the Stickine restricted by Canadian customs regula- tions; case of steamboat Nellie .....	352
"the three rules clause," discussion of, in respect of possible war between Great Britain and Russia .....	39
Weights and measures: Argentine Republic; old Spanish system abolished; decimal system substituted .....	7
Welsh, Mr.: conduct of the Condon case approved .....	257
Weil, case of: naturalized citizen; ordered to leave Baden (see Germany)...	216
Willimek, case of: naturalized citizen; may return to Germany under two year clause of treaty .....	225
Wilson, Mr. Rivers: report of committee of inquiry accepted by the Khedive; probable appointment as minister of finance of Egypt .....	924, 926
Woodhouse bonds repudiated by Mexico. (See Mexican debt) .....	624
Woolen goods: imported by Greece; Hawaiian Islands; Peru. (See respect- ively) .....	358, 379, 724
Woosung Railway: Mr. Seward may join colleagues in representing to the Chinese Government the inadvisability of discontinuing it .....	94
before its destruction used by many Chinese; future of railways in China discussed .....	95
Woosung-Shanghai Telegraph: consuls to make common effort to maintain <i>status quo</i> respecting .....	102
Wrecked and disabled vessels: application to Canada to allow reciprocal aid to .....	351, 352

## X.

	Page.
Ximenes: raids under Arcola from the direction of Ximenes. (See Mexico)...	612, 622

## Y.

Yang-tze River: modification of trade regulations.....	146
Yellow fever: contribution of the President of France .....	182
lists of contributors to fund; total, through hands of Mr. Noyes, 82,718.70	
francs; aggregate from France about 150,000 francs.....	181, 182, 189, 190, 191
Yokohama: harbor regulations; approved; correspondence between Admiral	
Reynolds, Mr. Bingham, and the Japanese minister for foreign affairs..	486

## Z.

Zaldna, Señor Fran'co J.: secretary for foreign affairs of Colombia; note in	
Scrafford case .....	154
Zamacona, Mr. de: presentation to the President .....	675
endeavors to extend trade with Mexico. (See Mr. Foster's letter to Chicago	
manufacturers .....	636
Zasulich, Vera: trial for attempt upon the life of General Trepoff. (See Rus-	
sia) .....	758
Zona Libre: its establishment a measure of hostility to American commerce.	654
contraband trade; efforts to secure its abolition.....	654, 660















